Report ON THE

Administration of Criminal Justice

~~IN THE PROVINCE OF OUDH~~, North-West Frontier Province

DURING THE CALENDAR YEAR ~~ENDING 31ST DECEMBER 1905~~; 1902 to 1909

~~WITH STATEMENTS~~

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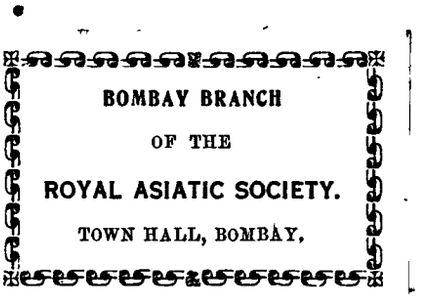

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REPORT

ON THE

ADMINISTRATION OF CRIMINAL JUSTICE

IN THE

NORTH-WEST FRONTIER PROVINCE

DURING THE YEAR

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1903.

Proceedings of the Hon'ble the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province, No. 1876-G., dated 7th September 1903.

READ—

The Report on the Administration of Criminal Justice in the North-West Frontier Province for the year 1902.

REMARKS.—The Chief Commissioner notices with satisfaction that there has been an improvement during the year in the matter of the summary rejection of frivolous and vexatious complaints and the inappropriate infliction of fines in addition to substantive sentences of imprisonment.

2. The decrease in the number of persons put on security under section 107, Criminal Procedure Code, is satisfactory, but the principle of restraining such cases has, perhaps, been too severely applied in Hazara, and may be responsible for the rise in crimes of violence.

3. The fall in the number of murders committed in Peshawar from 113 to 79 affords a most favourable indication of improvement. It is explained by the Inspector-General of Police as due to reconciliations among several leading factions, and by the Judicial Commissioner as due to the severity of the sentence which can now be inflicted on conviction by council of elders under the new Frontier Crimes Regulation. The new Regulation has, without doubt, helped to foster the spirit of compromise, and both explanations are probably correct.

4. The Judicial Commissioner's remarks as to an increase in the number of dacoities would appear to be erroneous. He has recorded a rise from 5 dacoities in the Peshawar District in 1901 to 21 in 1902. The Police Returns show 25 in 1901 and 14 in 1902. There is also a smaller discrepancy in the returns for Kohat. The Chief Commissioner thinks the Police Returns are more likely to be correct, as the condition of the Peshawar District in 1901 renders the number of five dacoities for the whole year highly improbable, but desires that the returns should be examined and the matter cleared up.

ORDER.—Ordered, that a copy of the Review be forwarded to the Judicial Commissioner, North-West Frontier Province, for information, and that it be circulated with the Report, and the usual number of copies forwarded to the Government of India.

By order of the Hon'ble the Agent to the Governor-General and Chief Commissioner,

F. W. JOHNSTON,

Offg. Secretary to the Hon'ble the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province.

N.-W. F. P. Govt. Press, Peshawar—292 S. to C. C.—7-9-03—152.

No. 445-B.

FROM

C. E. F. BUNBURY, ESQUIRE, I. C. S.,
Judicial Commissioner,
North-West Frontier Province;

To

F. W. JOHNSTON, ESQUIRE, I. C. S.,
Offg. Secretary to the Hon'ble the Chief Commissioner,
North-West Frontier Province.

Dated Peshawar, the 14th July 1903.

SIR,

I HAVE the honour to submit the Annual Report on the Administration of Criminal Justice in the North-West Frontier Province during the year 1902, together with the statistical tables prescribed by the Government of India.

I have the honour to be,
SIR,
Your most obedient Servant,
C. E. F. BUNBURY,
Judicial Commissioner,
North-West Frontier Province.

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[Maximum limit of Report not yet prescribed.]

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ANNUAL REPORT ON THE ADMINISTRATION OF CRIMINAL JUSTICE IN THE NORTH-WEST FRONTIER PROVINCE DURING THE YEAR 1902.

Judicial districts and sub-districts—Judicial Statement No. 1.

1. The number of districts and sub-districts and of officers exercising criminal jurisdiction remains unchanged. The total number of criminal cases decided was 24,751 in 1902 as compared with 23,334 in 1901: the increase has occurred wholly under the head of Miscellaneous criminal cases.

Political charges.

2. It was stated in paragraph 2 of last year's report that the areas comprised in the trans-border political charges appertaining to the North-West Frontier Agency were not in any way subject to the jurisdiction of the Court of the Judicial Commissioner. During the year under report, however, criminal jurisdiction was established on a more regular footing in some of these Political Agencies. The provisions of the Indian Penal Code, the Criminal Procedure Code, the Frontier Crimes Regulation, and the Frontier Murderous Outrages Regulation, were extended, under various orders of the Governor-General in Council, with necessary modifications, to the Political Agencies of Kurram, North and South Waziristan, and the Shirani country; and the Judicial Commissioner was invested with certain appellate and revisional jurisdiction under the Criminal Procedure Code in these areas. No statistics relating to criminal cases decided in Kurram, North and South Waziristan and the Shirani country during 1902 have, however, been included in the Judicial statements accompanying this annual report; because, in the first place, no regular criminal case registers are maintained in those tracts from which the necessary statistics could be compiled; and, in the second place, this report relates to the North-West Frontier Province, and the four tracts named are not comprised within the Province, but are situated beyond the frontier of British India.

GENERAL REVIEW OF OFFENCES.

Offences reported and returned as true—Judicial Statement No. 2.

3. The number of offences reported during the year was 21,095 as against 20,247 in the preceding year. Of these, 15,235 or 72 per cent., as compared with 15,700 or 77 per cent. in 1901, were returned as true. The following table exhibits the fluctuations in each district of the Province during the past two years:—

District.	Population.	Offences reported.		Complaints dismissed *in limine*.		Offences admitted to have occurred.		Cases brought to trial.		Percentage of cases brought to trial and offences admitted.	
		1901.	1902.	1901.	1902.	1901.	1902.	1901.	1902.	1901.	1902.
Peshawar ..	788,707	6,975	8,569	547	1,473	6,166	6,628	5,850	6,234	93	94
Hazara ..	560,288	4,547	4,150	1,511	1,684	2,867	2,323	2,556	2,083	89	90
Kohat ..	217,865	3,051	2,925	229	150	2,623	2,616	2,522	2,443	93	93
Bannu ..	231,485	3,478	3,649	860	1,096	2,539	2,459	2,184	2,157	86	88
Dera Ismail Khan ..	252,379	2,196	1,802	631	548	1,505	1,209	1,275	1,030	84	85
Total ..	2,050,724	20,247	21,095	3,778	4,951	15,700	15,235	14,387	13,947	90	92

Peshawar shows an increase of 1,594 or 18·6 per cent. in the number of offences reported, but the increase in offences admitted to have occurred rose by only 462 or 7 per cent. The increase in offences returned as true in this district was confined to cases under Local and Special Laws: the number of such offences under the Indian Penal Code shows an actual falling-off of 104 or 4 per cent. Both in Hazara and Dera Ismail Khan the number of offences returned as true fell by 19 per cent. In Hazara the falling off occurred in cases under section 107 of the Criminal Procedure Code, and is attributable to the issue by the District Magistrate of the instructions referred to in paragraph 11 of last year's report. In Dera Ismail Khan the decrease is confined to offences under the Indian Penal Code, which fell from 1,075 in 1901 to 740 in 1902. The District Magistrate explains that this decrease occurred mostly in petty offences, and the explanations which he assigns therefor are that security was taken from an unusually large number of persons under section 110, Criminal Procedure Code, and under the Frontier Crimes Regulation during 1902, and that no opportunity was lost of explaining to the people that they should not prefer petty and vexatious complaints.

Complaints dismissed *in limine*.

4. The number of complaints dismissed *in limine* in Peshawar shows an increase from 547 to 1,473. The improvement may be partly due to the greater attention paid by Magistrates to the preliminary examination of complainants. But the increase is probably more apparent than real: for in the course of the Judicial Commissioner's inspections of some of the courts in this district it was discovered that a large number of complaints shown in Criminal Register No. IV as having been summarily dismissed had not been communicated to the statistical writer at head-quarters, and had thus escaped tabulation in the annual returns. The attention of the officials of the courts concerned was drawn to the omission, with the result that all complaints summarily dismissed have now been shown in the annual statements of the district.

Hazara, where people are much given to harassing their enemies by instituting petty and vexatious complaints, shows as usual the largest number of complaints dismissed *in limine*: the number rose from 1,511 in 1901 to 1,684 in the year under report, the latter figure representing a proportion of nearly 41 per cent. of all offences reported. The following remarks of the District Magistrate of Hazara are reproduced as being of interest in this connection:—

> "There is also a marked improvement in the matter of recording the statements of complainants at the time of filing the complaint, but there is still plenty of room for further improvement. It is almost impossible to make the ordinary Native Magistrate realise the wide discretionary power vested in him by section 203, Criminal Procedure Code, in the matter of dismissing complaints. They seem to think that they are bound to hear the accused's version. The complainant's only object usually is to get the accused summoned, and thereby to induce him to do some act which he is not legally bound to do. In a large number of cases of this class, which I have seen, a reasonable Magistrate with any strength of mind would never have issued a summons."

At the same time when the number of complaints rejected summarily represents nearly 41 per cent. of the total offences reported—whether on complaint or direct to the Police—it must be conceded that, even allowing for the peculiarities of the people of Hazara, the proportion is high.

In Kohat the number of complaints dismissed *in limine* fell from 229 to 150, which represents 5 per cent. of total offences reported. In explanation of this low percentage the District Magistrate repeats the observation that the people of Kohat are not so advanced as those of other districts, nor so much addicted to lodging frivolous and vexatious complaints, and he adverts at the same time to the difficulty of getting Native Magistrates to examine complainants thoroughly in the first instance.

In Bannu the percentage of complaints rejected summarily has risen from 25 to 30; but seeing that the proportion of persons discharged in consequence of the non-appearance of the complainant or otherwise increased in this district from 25 to 31 per cent., the Sessions Judge remarks that "the dismissal of complaints *in limine* is not yet properly worked, and that a large number of cases are false ones in which the accused were discharged after inquiry."

In Dera Ismail Khan the proportion of complaints thrown out summarily was 30 per cent. in 1902 as against 28 per cent. in 1901. The total number of complaints dismissed under section 203, Criminal Procedure Code, in this Province rose from 3,778 or 18 per cent. in 1901 to 4,951 or 23 per cent. of the offences reported in 1902. It is clear that in the matter of summarily rejecting false and frivolous complaints there has been an improvement in all the districts of the Province, except Kohat, where the District Magistrate has specially directed the attention of the subordinate magistracy to the subject.

Compensation under section 250, Criminal Procedure Code—Judicial Statements No. 2, column 10, and No. 3, head 6.

5. In 133 cases during 1902 as compared with 129 cases in 1901 complainants were ordered to pay compensation to the accused persons for having preferred frivolous and vexatious complaints against them. The number of cases dealt with under this section varied from 42 in Bannu and 38 in Hazara to 9 in Dera Ismail Khan and 8 in Kohat. The compensation awarded aggregated Rs. 1,560 as against Rs. 2,246 in 1901.

Cases and persons brought to trial—Judicial Statement No. 2, columns 4 to 7.

6. The number of cases brought to trial was 13,947, which represents 92 per cent. of the offences admitted to have occurred. These cases involved 31,257 persons, of whom 14,858 or 48 per cent. were convicted. This improvement of 3 per cent. in the proportion of persons convicted to those brought to trial as compared with the results of 1901 is a satisfactory feature of the year's working. The district reports show that the proportion of persons convicted to those brought to trial is highest in Peshawar with 53 per cent.; Kohat comes next with 52; Dera Ismail Khan and Bannu follow with 47 and 45 per cent. respectively, while Hazara takes the lowest place with only 31 per cent.

OFFENCES UNDER THE INDIAN PENAL CODE.

Offences under the Indian Penal Code—Judicial Statement No. 2.

7. Of the total number of 21,095 offences of all kinds reported during the year, 11,544 or 55 per cent. were under the Indian Penal Code: and of these 7,620, representing 66 per cent., as compared with 71 per cent. in 1901, were returned as true. Of the 6,266 cases brought to trial convictions were secured in 2,182 cases. The district returns show that the decrease in offences returned as true is most marked in Dera Ismail Khan, where there was a considerable falling off in petty offences under the Indian Penal Code.

The 6,266 cases brought to trial under the Indian Penal Code involved 14,845 persons, of whom 10,467 or 71 per cent. were discharged or acquitted as against 72 per cent. in 1901. The proportion of persons convicted to those brought to trial rose from 25 per cent. in 1901 to 26 per cent. in 1902. The provincial percentages of cases and persons convicted under the Indian Penal Code to those brought to trial during 1902 are 35 and 26 respectively.

The large proportion of persons acquitted and discharged in cases under the Indian Penal Code continues to be an unsatisfactory feature of the criminal administration.

The explanation given in paragraph 7 of last year's report to account for these unsatisfactory results in cognizable cases holds equally good now. In non-cognizable cases also it is a matter of common experience that complainants frequently seek to incriminate a number of innocent persons along with the guilty on one complaint; and while, on the one hand, the subordinate magistracy in dealing with false and frivolous cases fails to make adequate use of the provisions of section 203, Criminal Procedure Code, and, on the other hand, a large number of trivial cases are settled out of Court by compromise, it is hardly to be wondered at that the proportion of persons discharged and acquitted in cases under the Indian Penal Code as a whole should be very high.

Serious offences under the Indian Penal Code admitted to have occurred—Provincial Appendix A.

8. A table is attached as Provincial Appendix A showing for each district of the Province the number of offences admitted to have occurred under the most important heads of crime. A mistake has since been discovered in the similar table appended to last year's report; the number of offences under sections 454, 457 and 458, Indian Penal Code, shown as 111 against the Peshawar District in 1901 was wrong; the correct figure is 377: the correction of this mistake, however, merely serves to accentuate the greater criminality of Peshawar as compared with the other districts of the Province. The most remarkable feature about the present Provincial Appendix A is the great diminution of serious crime in Peshawar from a total of 1,426 cases in 1901 to 1,198 cases in 1902. The improvement has taken place in serious offences both against the person and against property.

Murders in 1902 in the Peshawar District fell to 79—the lowest figure recorded for many years—as compared with 113 in 1901. The District Magistrate of Peshawar has not attempted to offer any explanation of the causes to which these satisfactory results are due. The Judicial Commissioner believes that the new Frontier Crimes Regulation, 1901, under which a much heavier sentence of imprisonment can be awarded on conviction after trial by jirga than was the case under the former Regulation of 1887, has been an important factor in reducing serious crime in the Peshawar District. The only unsatisfactory feature in the Peshawar figures is the rise in dacoities from 5 to 21: the District Magistrate has offered no explanation for this increase, nor has he even noted how many of these dacoities, if any, were the work of trans-border men.

In Hazara there has been an increase of serious offences from 473 in 1901 to 537 in 1902: the increase is fairly evenly distributed between offences against the person and against property. The increase in serious offences against the person is a matter that deserves the special attention of the District Magistrate, as there may be some connection between this increase and the somewhat drastic check that has been given to security cases (*vide* paragraph 11 below) in Hazara.

In Kohat the number of serious offences against the person and against property fell from 608 in 1901 to 560 in 1902, the decrease having been mostly in cases of lurking house-trespass. But there has been an unsatisfactory increase in serious crime. Murders rose from 34 to 36, dacoities with murder from 1 to 7, and ordinary dacoities from 20 to 24. Of the 36 murders, 12 were committed by trans-border men and outlaws: and out of the 31 dacoities no less than 24, including the 7 dacoities with murder, were the work of members of various independent tribes and outlaws living under their protection. In this connection the District Magistrate of Kohat remarks:—

"Although the heavy fines---Rs. 10,000---inflicted on the Hathi Khel and Malikshahi Wazirs and the establishment of punitive Police posts in the Khattak country during 1901, rendered life and property comparatively safe in that year, there was again a relapse during 1902, 12 dacoities, including dacoities with murder, having been committed by Wazirs and outlaws living with them as against only 4 in 1901. It was, therefore, found necessary to send in November 1901 a small expedition against the Darwesh Khel, which resulted in the surrender of a large number of outlaws."

In Bannu there has been a satisfactory diminution in serious crime from 608 to 558 cases, the decrease falling mainly under the head of lurking house-trespass and burglary. There was an increase of thefts, however, from 146 to 183 cases, and commenting on this circumstance the Sessions Judge remarks:—

"My experience shows that there are a large number of persons who are habitual thieves, or at least previously convicted ones, in the district. Unless deterrent sentences are passed on these, there is small hope of improvement in the number of offences that may occur. Considering the number of habitual thieves or previously convicted persons there are in and round Bannu itself, the provisions of the Criminal Procedure Code for putting such persons on security might be more fully worked than they are, I think."

Adverting to the cases of robbery and dacoity, the District Magistrate of Bannu observes:—

"Of the two dacoities with murder, the attack on the Islam Chauki post was the work of outlaws and trans-border men. It is an instance of defiance of authority. The second

dacoity at Kotka Imam Shah was not traced. Dacoity is becoming a fashionable crime in this district. The robberies, under which there is a slight increase of 6, were of a petty nature, and call for no serious remark.

"The effect of the recent military operations in the tract which harboured outlaws ought to be good. It will not be so easy now for the law breakers in the district to put down their misdeeds to outlaws, and I trust in time the law will become stronger than lawlessness, in spite of the attitude of the people, who only help the Police and the Magistracy in a half-hearted way, and sometimes not at all."

In Dera Ismail Khan the figures remain fairly stationary; there is comparatively little serious crime in this district.

Murder trials.

9. The following table compiled from the district reports shows the number of murder cases brought to trial, and the number of persons disposed of in each district by judicial tribunals and by councils of elders under the Frontier Crimes Regulation :—

District.	Brought to trial.		Persons disposed of.					Persons pending at end of year.
			Judicial Courts.			*Councils of Elders.*		
	Cases.	Persons.	Discharged by Magistrate.	Acquitted by Sessions Judge.	Convicted by Sessions Judge.	Acquitted or discharged.	Convicted.	
Peshawar ..	89	248	56	9	24	83	48	28
Hazara ..	22	54	5	5	4	13	23	4
Kohat ..	33	90	17	2	12	41	5	13
Bannu ..	42	97	..	3	17	37	22	18
Dera Ismail Khan ..	12	20	3	..	3	5	3	6
Total ..	198	509	81	19	60	179	101	69

In the corresponding table given in paragraph 9 of last year's Provincial Report persons discharged by Magistrates in cases that were committed to Session, and also in cases where there was no sufficient evidence to justify either a committal or a reference to jirga, were debited to the Sessions Courts, while persons discharged by Magistrates in cases where some of the prisoners were tried by jirga were debited to trials by councils of elders: and this method of calculation was perhaps unfair, and operated to exhibit the results of Sessions trials in an unduly unfavourable light. In the table given above, however, persons discharged by Magistrates have been shown separately, with the result that the proportion of persons convicted in murder trials works out to 76 per cent. in Sessions Courts and to 36 per cent. in cases tried by jirga. The circumstance that only 5 persons out of 46 tried by councils of elders in Kohat on charges of murder were convicted is an unfavourable feature of the statistics.

LOCAL AND SPECIAL LAWS.

Offences under Local and Special Laws—Judicial Statement No. 2-A.

10. Of the 9,551 offences reported under Local and Special Laws 7,615 or 80 per cent. were returned as true as compared with 85 per cent. in 1901.

Cases dealt with under the Arms Act in this Province have fallen from 408 in 1901 to 311 in 1902. This decrease has occurred principally in Peshawar—130 cases as against 186 in 1901—and in Kohat—50 cases as against 100 in the previous year. The District Magistrate of Peshawar has offered no explanation of the falling off in that district. The District Magistrate of Kohat suggests that the large diminution in the number

of prosecutions under the Arms Act in Kohat is "partly due to the decrease in the number of weapons illegally possessed, and partly to greater cunning in concealing them." The latter circumstance is doubtless a more important factor than the former in contributing to the diminution of Arms Act cases.

In Hazara the number of prosecutions under the Forest Regulation fell from 162 to 100. The District Magistrate considers this decrease is attributable to the deterrent effect of punishments inflicted in forest cases during 1901.

There has been an increase in all districts, except Peshawar, in cases dealt with under the Police Act; and the District Magistrates are satisfied with the greater activity shown by the Police in prosecuting such cases.

Out of 397 cases taken up under the Municipal Act, 316 are returned from Peshawar, while Bannu again accounts for practically all the cases—182 out of 188—dealt with under the Canals and Drainage Act, 1873.

Miscellaneous proceedings under the Criminal Procedure Code and security cases under the Frontier Crimes Regulation—Judicial Statement No. 3.

11. Details of miscellaneous proceedings under the Criminal Procedure Code are given in Judicial Statement No. 3. The following table shows for each district the number of persons proceeded against for security to keep the peace and for good behaviour, and also the number of persons dealt with under the security provisions of the Frontier Crimes Regulation during the past two years :—

Proceedings.	Year.	Total Persons.									
		Peshawar.		*Hazara.*		*Kohat.*		*Bannu.*		*Dera Ismail Khan.*	
		Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of.	Convicted.
Breach of peace, Section 107, Chapter VIII, Criminal Procedure Code.	1902	2,801	1,570	409	94	2,045	1,179	1,109	917	325	103
	1901	2,815	1,907	2,837	1,657	2,822	1,502	1,581	1,140	556	276
To prevent murder, Section 40, Frontier Crimes Regulation.	1902	97	40	8	8	1	1	50	49	64	43
	1901	57	27	..	..	..	..	34	34	23	23
Families with blood feuds, Section 41, Frontier Crimes Regulation.	1902	1,993	1,390	63	63	626	587	194	181	70	62
	1901	1,658	1,414	55	55	281	278	296	266	19	19
Further security, Section 46, Frontier Crimes Regulation.	1902	305	256	..	..	..	..	..	..	..	..
	1901	171	161	..	..	..	..	..	..	..	..
Total ..	1902	5,196	3,256	480	165	2,672	1,767	1,353	1,147	476	208
	1901	4,701	3,509	2,892	1,712	3,103	1,780	1,911	1,440	598	318
Good behaviour, Section 110, Chapter VIII, Criminal Procedure Code.	1902	697	597	47	27	150	117	171	145	121	101
	1901	378	307	40	17	89	65	140	106	100	77

The most noticeable feature about these statistics is the remarkable fall in the number of persons bound over to keep the peace in Hazara under section 107, Criminal Procedure Code, from 1,657 in 1901 to 94 in 1902. This decrease is attributable to the issue by the District Magistrate of the instructions referred to in paragraph 11 of last year's Provincial Report. The Judicial Commissioner is separately directing the attention of the District Magistrate to this subject. The provisions of section 107 of the Criminal Procedure Code had undoubtedly been applied too indiscriminately in Hazara during 1901: but the pendulum must not be allowed to swing too far the other way, and there is

danger lest the application of too sudden and too wholesale a check to cases of taking security to keep the peace should give rise to an increase of serious offences against the person in Hazara.

The falling off in the number of persons required to furnish security to keep the peace in Kohat is counterbalanced by the increase in the number of persons bound over in security under the Frontier Crimes Regulation. The District Magistrate explains these results as due to certain instructions recorded in the Judicial Commissioner's inspection notes at Kohat, and observes that parties between whom there exists a cause of quarrel over a woman or any other matter likely to lead to bloodshed are now bound over in security under the Frontier Crimes Regulation instead of under section 107, Criminal Procedure Code.

There has been a large increase in the number of persons bound over in security to be of good behaviour under section 110, Criminal Procedure Code, from 582 in 1901 to 987 in 1902: and no less than 597 out of the 987 persons so dealt with belong to the single district of Peshawar.

GENERAL RESULT OF CRIMINAL TRIALS.

General result of trials—Judicial Statement No. 4.

12. Of the 31,532 persons under trial during the year, the cases of 30,949 persons were disposed of. Of these, 15,785 or 51 per cent. as against 19,055 or 53 per cent. in 1901 were acquitted or discharged.

During the year under report 19 persons as against 10 in 1901 were released on probation under section 562, Criminal Procedure Code. Of the 1,561 cases shown as disposed of by District Magistrates, 1,409 were under the Frontier Crimes Regulation. District Magistrates disposed of 21 cases under their enhanced powers and 131 cases under their ordinary powers as compared with 10 and 30 cases respectively during 1901. Additional District Magistrates exercising powers under section 30, Criminal Procedure Code, decided 179 cases as against 174 cases during the previous year.

Honorary Magistrates.

13. Honorary Magistrates sitting singly and in Benches disposed of 1,732 cases during the year. Arbab Muhammad Husein Khan, Mohmand, of Landi, exercising first class powers, deserves mention for his individual outturn of work, having disposed of 379 cases.

PUNISHMENTS.

Punishments—Judicial Statement No. 5.

14. Details of the punishments inflicted by the various criminal tribunals are given in Judicial Statement No. 5. The principal variation from the statistics of last year is in smaller number of persons bound over to keep the peace; and the reason for this variation is to be found in the check already referred to as having been given to security cases under section 107, Criminal Procedure Code, in the Hazara District.

The total amount of fines imposed was Rs. 90,653 as against Rs. 94,663 in the year before; while realizations, including sums on account of outstandings from previous years, amounted to Rs. 85,386 as against Rs. 63,482 in 1901. The amount of realizations was satisfactory, and was fairly evenly distributed over the different districts. Of the Rs. 10,968 paid out by way of compensation, the major part was awarded under the Frontier Crimes Regulation.

Whipping—Judicial Statement No. 5-A.

15. Judicial Statement 5-A contains particulars of whippings inflicted under the provisions of the Whipping Act. The total number of whippings awarded was 265 against 242 in the previous year: the percentage on the total number of punishments in which whipping might have been awarded shows an improvement from 16 to 22 per cent. Eleven juvenile offenders were sentenced to whipping as compared with four during 1901. It may be noticed that the total number of whippings, *viz.* 265, shown in Statement No. 5-A does not agree with the total, *viz.*

310, of columns 26—28 of Statement No. 5 : the reason for the disparity is that the former statement relates only to whippings awarded under the Whipping Act, whereas the latter statement includes 45 sentences of whipping inflicted under section 6 of the Frontier Crimes Regulation.

APPEALS AND REVISIONS.

Appeals and Revisions—Judicial Statement No. 6.

16. The number of persons who appealed to District Magistrates was 923 or 25 per cent. of the persons convicted by 2nd and 3rd class Magistrates as compared with 1,236 and 33 per cent. in 1901. The District Magistrates found it necessary to interfere in the case of 325 persons, or of nearly one in every three persons who appealed, the same proportion as last year. Of 803 persons whose appeals were disposed of by the Courts of Session, 294 persons or 36 per cent. had their sentences reversed or reduced. District Magistrates and Courts of Session on appeal enhanced the sentences imposed on 38 persons: this figure is very moderate, and indicates that the special provision of the law contained in section 11, Regulation VII of 1901, is being utilized sparingly and with proper discretion.

FRONTIER CRIMES REGULATION.

Frontier Crimes Regulation—Provincial Appendix B.

17. A table is again attached as Provincial Appendix B, which exhibits the number and results of criminal references to councils of elders under section 11 of the Frontier Crimes Regulation. The number of such references continues to show a steady decrease from 311 in 1900 and 269 in 1901 to 240 in the past year. Hazara alone shows a considerable increase from 16 to 40, in connection with which the District Magistrate says:—

"There is a considerable increase under all heads of cases referred as compared with the figures of last year. I cannot give any satisfactory explanation for this increase. I have not referred any cases to jirgas which could have been disposed of by the ordinary tribunals. The jirgas have on the whole worked well during the year under report. On one occasion a jirga reported that an attempt had been made to bribe them by certain persons on behalf of the prisoners under trial. These persons were subsequently convicted under section 161, Indian Penal Code, by a Magistrate and suitably punished."

In Kohat the large falling off from 72 to 30 in the number of references to jirga is ascribed by the District Magistrate to greater discrimination in referring to councils of elders only important cases in which there are adequate grounds for believing the accused persons to be guilty; but even so the percentage of persons convicted after trial by jirga in Kohat is very low, and by far the smallest in the Province.

In Dera Ismail Khan the percentage of persons convicted in 1901, *viz.* 87 per cent., was abnormally high, and though it has come down to 53 per cent. in 1902, this is still the highest in the Province. In this connection the District Magistrate observes:—

"On the whole it may be said that the working of the Regulation has been successful, and has been a considerable factor in the criminal administration of the district. Dera Ismail Khan is fortunate in the possession of a large body of native gentry and *Raises* capable of assisting the authorities under the Regulation, and it is usually feasible to obtain an impartial enquiry in jirga cases."

SESSIONS COURTS.

Work of Sessions Courts.

18. The following figures exhibit the criminal business disposed of during the year in the two Sessions Courts of this Province:—

Sessions Court.	*Sessions cases.*	*Criminal appeals.*	*Applicants for revision.*
Peshawar ...	40	317	130
Derajat ...	31	267	23

The work in Peshawar is appreciably heavier than in the Derajat; but the criminal work in both Courts is kept well in hand and up to date. The average duration of criminal appeals was 19 days in the Peshawar Sessions Court and 15 days in the Derajat Sessions Court.

JUDICIAL COMMISSIONER'S COURT.

Work in Judicial Commissioner's Court.

19. The business disposed of during the year on the criminal side of this Court was as follows :—

	Murder reference.	*Appeals.*		*Revisions.*	
		Cases.	Persons.	Cases.	Persons.
Instituted ...	31	131	194	128	219
Disposed of ...	25	118	180	122	204

Capital sentences passed by Courts of Session were confirmed in the case of 18 persons, and commuted in the case of 4 persons to transportation for life : a similar sentence was altered, the conviction being also varied, to imprisonment in the case of one person ; while 2 persons under sentence of death were acquitted on appeal. The average duration of criminal appeals in this Court was 20 days. The above figures relate to cases from the districts of the North-West Frontier Province only : in addition to the above business, one murder reference and four appeals from trans-frontier Political Agencies were also disposed of during the year.

Inspections.

20. The Judicial Commissioner visited each district in the Province on tour during the year, and inspected the courts of 4 Additional District Magistrates, 3 Sub-Divisional Officers in charge of outposts, 1 Assistant Commissioner at head-quarters, and 7 Extra Assistant Commissioners. The results of the inspections were embodied in notes, copies of which were communicated to District Magistrates, for the guidance of local officers.

GENERAL.

Procedure.

21. There has been a marked improvement in the matter, referred to in paragraph 13 of last year's report, of inflicting fines unnecessarily. Fines are now much less frequently imposed by Magistrates, in addition to a substantive sentence of imprisonment, in cases where the addition of a pecuniary penalty is inappropriate than used formerly to be the case.

The provisions of section 31 of the Court Fees Act, 1870, which renders it incumbent on the Court to order an accused person, on conviction of a non-cognizable offence, to pay the amount of the costs incurred by the complainant, are still too commonly overlooked ; and the attention of the subordinate magistracy requires to be constantly drawn to this provision of the law.

C. E. F. BUNBURY,

The 14th July 1903. *Judicial Commissioner.*

Imperial.

JUDICIAL STATEMENT No. 1.—(CIVIL AND CRIMINAL)—*Paras. 1 and 2.*

Statement showing the number of Judicial Divisions and the number of Officers exercising appellate or original jurisdiction in the North-West Frontier Province on the last day of the year 1902, with the cost of tribunals.

Name of Province.		Area in square miles.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	Total Number of Officers exercising Original or Appellate Jurisdiction.					Total Number of Cases decided.				Total receipts of the Courts.	Total charges of the Courts.	Remarks.		
							Judges of Chief Court of Province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of Districts.	Judges of District Courts other than Chief Courts.	Judges of other subordinate Courts.	*Original.* Regular.	*Original.* Miscellaneous.	*Appeals.* Regular.	*Appeals.* Miscellaneous.					
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18		
N.-W. FRONTIER PROVINCE.																		Grades of Judicial officers.	Europeans.	Natives.
Territory subject to the High Court.	Civil ...	13,197	20,50,724	2	5	16	1	2	4	21	31	21,041	4,793	1,887	175	3,27,106	5,46,069	Officers exercising both original and appellate jurisdiction. — High Court Judges ...	1	...
	Criminal ...			2	5	16	1	2	5	24	72	13,828	9,609	1,222	92			Divisional Judges ...	2	...
	Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			District Judges ...	4	...
Territory not subject to the High Court	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			Additional Judges ...	...	...
	Criminal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			Subordinate Judges ...	...	1
	Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			Officers exercising original jurisdiction only. — Small Cause Court Judges	1	...
																		Munsifs	...	6
	Total ...	...	...	...	....	...	...	...	...	...	...	...	...	...	...					

Imperial.

JUDICIAL STATEMENT No. 2.—(CRIMINAL)—*Paras. 3 to 9.*

Statement of offences reported and of persons tried, convicted and acquitted of each class of offences in the N.-W. Frontier Province in the year 1902.

DESCRIPTION OF OFFENCE.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	NUMBER OF PERSONS.					REMARKS.
				Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another Province.	Remaining under trial.	
1	2	3	4	5	6	7	8	9	10
Offences against the State, Chapter VI of the Indian Penal Code	...	...	...	...	...	...	...	...	
Do. relating to the Army and Navy, ... Chapter VII ...	1	...	...	...	...	...	...	...	
Do. against the public tranquility ... ... „ VIII ...	203	139	146	1,177	389	725	6	57	Rs. 12 awarded as compensation under Section 250 Cr. P C.
Do. by or relating to public servants ... ... „ IX ...	32	28	30	33	20	12	...	1	
Contempts of the lawful authority of public servants ... ... „ X ...	148	136	137	260	92	161	1	6	
False evidence and offences against public justice ... ... „ XI ...	155	130	143	268	110	142	4	12	
Offences relating to coin and Government stamps ... ... „ XII ...	19	15	16	22	9	12	...	1	
Do. do. to weights and measures ... ... „ XIII ...	4	4	5	6	4	2	...	...	
Do. affecting the public health, safety, convenience, decency and morals ... ... „ XIV ...	31	24	27	50	14	34	...	2	Rs. 10 do.
Do. relating to religion ... ... „ XV ...	33	16	16	49	37	12	...	...	
AFFECTING THE HUMAN BODY CHAPTER XVI. Offences affecting life	275	229	252	649	344	225	6	74	Rs. 30 awarded as compensation; 1 person transferred to another Province.
Attempt	84	55	51	115	78	34	...	3	
Causing of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births	23	12	8	14	4	10	...	...	
Hurt	2,633	1,701	1,572	3,954	3,258	645	1	50	Rs. 323 awarded as compensation under Sec. 250 Cr. P. C.
Wrongful restraint and wrongful confinement	139	78	78	234	194	34	...	6	Rs. 97 do.

Offences Affecting Body,	Criminal force and assault			911	573	517	1,201	1,019	164	...	18	Rs. 98	do.
	Kidnapping, forcible abduction, slavery and forced labour			77	31	22	51	31	15	...	5	Rs. 18	do.
	Rape			33	13	14	20	16	4	...	...	Rs. 60	do.
	Unnatural offence			33	17	18	23	13	10	...	...		
Offences against property, Chapter XVII.	Theft			1,546	1,158	708	1,256	683	521	...	52	Rs. 97	do.
	Extortion			50	11	11	35	33	2	...	...	Rs. 2	do.
	Robbery and dacoity			178	113	61	168	97	70	...	1		
	Attempt			37	28	16	47	34	13	...	...		
	Criminal misappropriation of property			72	39	41	88	64	24	...	...	Rs. 25	do.
	Criminal breach of trust			324	158	156	204	135	55	...	14	Rs. 70	do.
	Receiving of stolen property			294	227	227	338	90	235	...	13	Rs. 7	do.
	Cheating			170	86	85	116	70	36	1	9	Rs. 10	do.
	Fraudulent deeds and disposition of property			4	2	2	9	8	1	...	...	Rs. 34	do.
	Mischief			1,060	561	501	1,417	1,197	197	...	23	Rs. 70	do.
	Criminal trespass			1,925	1,415	786	1,849	1,411	392	1	45	Rs. 210	do.
Offences relating to documents and to trade or property marks			Chapter XVIII	25	11	12	18	14	4	...	...	Rs. 20	do.
Criminal breach of contracts of service			„ XIX	1	1	1	1	1	...	...	...		
Offences relating to marriage			„ XX	658	373	377	780	656	88	4	32	Rs. 176	do.
Defamation			„ XXI	22	10	13	13	12	1	...	...		
Criminal intimidation, insult and annoyance			„ XXII	344	226	207	380	330	49	...	1	Rs. 118	do.
		Total under I. P. C.		11,544	7,620	6,266	14,845	10,467	3,929	24	425	Rs. 1,487	do.
Offences under Special and Local Laws				9,551	7,615	7,681	16,412	5,318	10,929	7	158	Rs. 82	do.
		GRAND TOTAL		21,095	15,235	13,947	31,257	15,785	14,858	31*	583	Rs. 1,569 was paid under Section 250 Cr. P. C.	

*Died 14 ... persons.
Escaped 16 ... „
Transferred 1 ... „

Imperial.

JUDICIAL STATEMENT No. 2 A.—(CRIMINAL)—*Para. 10.*

Statement of offences reported and of persons tried, convicted and acquitted of each class of offence in the North-West Frontier Province in the year 1902.

DESCRIPTION OF OFFENCE.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	NUMBER OF PERSONS.					REMARKS.
				Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another Province.	Remaining under trial.	
1	2	3	4	5	6	7	8	9	10
Offences under Local and Special Laws	...	...	...	...	...	...	...	...	
Proceedings under the Code of Criminal Procedure	4,598	3,098	3,195	7,901	3,017	4,784	5	95	Rs. 60 awarded as compensation uuder Section 250 Cr. P. C.
Breach of Laws relating to—									
Arms, ammunition and Military stores ... ... Act XI of 1878 ...	353	311	322	369	74	281	...	14	
Canals ... ... „ VIII of 1873 ...	224	190	163	496	354	142	...	...	Rs. 6 do.
Cantonments, Military ... ... „ III of 1880 ...	266	266	266	480	105	373	...	2	
Cattle trespass ... ... „ I of 1871 ...	244	135	118	398	337	58	...	3	Rs. 16 do.
City Chaukidars ... ... „ XX of 1856 ...	...	...	...	...	...	...	...	...	
Code of Civil Procedure ... ... „ XIV of 1882 ...	...	...	...	...	...	...	...		
Companies Act ... ... „ VI of 1882 ...	...	...	...	...	...	...	...	...	
Contract Workmen ... ... „ XIII of 1859 ...	8	8	11	17	13	4	...	...	
Contract by workmen on Railways and other Public Works ... „ IX of 1860 ...	...	...	...	...	...	...	...	...	
Criminal Tribes and Eunuchs ... ... „ XXVII of 1871 ...	...	...	...	...	...	...	...	...	
Emigration ... ... „ VII of 1871 ...	...	...	...	...	...	...	...	...	
Excise on Spirits and Drugs ... ... { „ XII of 1896 & „ XVI of 1883 } ...	26	26	24	29	5	23	...	1	
Factories ... ... „ XV of 1881 ...	...	...	...	...	...	...	...	...	
Farcy and Glanders ... ... „ XIII of 1899 ...	...	...	...	...	...	...	...	...	
Ferries ... ... „ XVII of 1878 ...	...	...	...	...	...	...	...	...	
Foreigners ... ... „ III of 1864 ...	...	...	...	...	...	...	...	...	
Forest ... ... { „ VII of 1878 & „ II of 1879 } ...	391	215	218	410	79	322	...	9	
Gambling ... ... „ III of 1867 ...	31	29	30	172	54	106	...	12	
Hackney and Stage Carriages ... ... { „ XVI of 1861 & „ XIV of 1879 } ...	114	114	114	125	14	111	...	...	
License Act ... ... „ II of 1878 ...	...	...	...	...	...	...	...	...	
Marriages, Christian ... ... „ XV of 1872 ...	...	...	...	...	...	...	...	...	
Municipalities ... ... { „ IV of 1873 & „ XX of 1891 } ...	397	397	394	437	99	337	1	...	
Murderous outrages ... ... { „ XXIII of 1867 & „ IX of 1872 }	...	...	...	...	...	...	...	...	

Mutiny Act	„	VII of 1867	...	...	...	...	...	...	...	...	...	...	...	...	
Opium	„	I of 1878	...	20	19	19	20	4	16	...	...				
Pleaders	„	XVIII of 1879	...	...	...	—	...	...	...	...	...				
Police	„	V of 1861	...	765	765	766	1,040	178	860	...	...	2			
Post Office	„	VI of 1898	...	2	2	2	2	1	...	...	...	1			
Printing Presses	„	XXV of 1867	...	...	...	...	...	...	...	...	...				
Prisons	„	XXVI of 1870	...	1	1	2	2	1	1	...	...				
Prostitutes	„	III of 1880	...	...	...	...	...	...	...	...	...				
Punjab Courts Act	„	XVIII of 1884	...	...	...	...	...	...	...	...	...				
Punjab Laws Act	„	IV of 1872	...	140	138	140	242	48	187	...		7			
Railways	„	IV of 1879 & IX of 1890	...	19	19	18	37	12	25	...	...				
Registration	„	III of 1877	...	1	1	1	5	3	2	...	...				
Salt and Saltpetre	„	XII of 1882	...	77	76	77	117	11	105	1	...				
Stamps	„	II of 1899	...	15	15	15	22	9	13	...	...				
Telegraph	„	I of 1876 XIII of 1885	...	3	3	1	4	...	4	...	...				
Treasure Trove	„	VI of 1878	...	...	...	...	...	...	...	...	...				
Vagrancy, European	„	IX of 1874	...	...	...	...	...	...	...	...	...				
Wandering and dangerous lunatics	„	XXXVI of 1858	...	2	2	2	2	...	2	...	...				
Explosives Act	„	IV of 1884	...	...	...	...	...	...	...	...	...				
Cruelty to Animals	„	XI of 1890	...	1	1	1	1	...	1	...	...				
Frontier Regulations															
Regulation III of 1901, Sections 22 and 23				37	33	33	56	1	55	...	...				
Do. „ „ „ 26				5	1	1	3	...	3	...	...				
Do. „ „ „ 29				11	11	11	20	3	17	...	...				
Do. „ „ „ 30				16	8	7	23	3	19	...		1			
Do. „ „ „ 33				8	8	8	11	...	11	...	...				
Do. „ „ „ 35				23	18	18	66	...	66	...	...				
Do. „ „ „ 36				263	238	237	346	69	277	...	...				
Do. „ „ „ 37				36	36	36	40	8	32	...	...				
Do. „ „ „ 40				115	101	101	238	96	141	...		1			
Do. „ „ „ 41				1,202	1,194	1,194	2,954	663	2,283	...		8			
Do. „ „ „ 43				15	14	14	20	8	12	...	...				
Do. „ „ „ 46				122	122	122	307	49	256	...		2			
TOTAL ...				9,551	7,615	7,681	16,412	5,318	10,929	7	158				

Rs. 82 awarded as compensation under Section 250.

A.

JUDICIAL STATEMENT No. 3.—(CRIMINAL)—*Para. 11.*

Statement of miscellaneous proceedings under the Criminal Procedure Code in the North-West Frontier Province during the year 1902.

NATURE OF PROCEEDINGS.	Total number of cases before the Courts during the year	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	REMARKS.
1	2	3	4	5	6
1. Proceedings against witnesses under Chapter VIC and Section 485 ...	...	...	...	...	
2. Proceedings under Chapter VIII, to prevent breach of the peace ...	3,490	10,267	3,630	6,543	Includes prosecutions for security under the Frontier Crimes Regulation, Sections 40, 41 and 46.
3. Proceedings under Chapter VIII, Security for good behaviour ...	1,122	1,202	198	987	
4. Proceedings against local nuisances, Chapter X...	4	10	9	1	
5. Possession, Chapter XII	113	321	196	125	
6. Frivolous or vexatious accusations summarily dealt with under Chapter XX, Sections 250.	133	145	...	145	
7. Non-attendance of Jurors or Assessors, Chapter XXIII, Section 332 ...	...	...	...	...	
8. Maintenance, Chapter XXXVI	243	243	174	67	
9. Forfeiture of bail or recognizance under Chapter XLII	201	282	93	186	
10. Proceedings under Chapter XLVI, Section 563, against convicted offenders released under Section 562.	13	19	...	19	
11. Proceedings under Section 552 Criminal Procedure Code	2	3	3	...	
TOTAL ...	5,321	12,492	4,303	8,073	

JUDICIAL STATEMENT No. 4—(CRIMINAL)—*Paras. 12 and 13.*

Statement showing the general result of Criminal Trials in the Tribunals of various classes in the N.-W. Frontier Province in the year 1902.

CLASS OF COURTS.	Total number of persons under trial.	PERSONS WHOSE CASES WERE DISPOSED OF.										Committed or referred.	Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.	REMARKS.
		Died, escaped or transferred to another Province.	Discharged or acquitted.	CONVICTED.													
				On regular trial.				On summary trial.									
				Sentence passed.	Released on probation, Section 562, Criminal Procedure Code.	*Youthful offenders dealt with under Section 31, Act VIII of 1897.*		Sentence passed.	Released on probation, Section 562, Criminal Procedure Code.	*Youthful offenders dealt with under Section 31, Act VIII of 1897.*							
						Discharged after admonition.	Delivered to parent or guardian &c.			Discharged after admonition.	Delivered to parent or guardian &c.						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Village officers	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	†1 person transferred to another Province.
Subordinate Magistrates. Special Magistrates under Section 14 ...	279	1	135	143	...	...	...	...	...	...	...	...	...	132	10	419	* Includes 32 persons referred for trial by Council of Elders under Frontier Crimes Regulation.
Subordinate Magistrates. Honorary Magistrates sitting singly ...	1,928	1	1,097	789	...	...	...	...	...	...	...	...	41	824	12	2,504	
Subordinate Magistrates. Stipendiary ditto. ...	24,044	22	12,996	9,801	15	...	...	535	1	...	...	201	473	10,260	14	28,522	
Subordinate Magistrates. Benches of Magistrates	1,306	1	424	373	...	...	...	506	...	...	...	...	2	918	4	1,928	
District and Divisional Magistrates—Cases referred under Sections 347, 349, Cr. P. C. ...	15	...	3	12	...	...	...	...	...	...	...	...	...	8	6	...	
Chief Magistrates of Districts	3,717	5	1,084	2,548	2	...	...	20	1	...	...	13	44	1,561	17	650	
Courts of Sessions	212	†1	44	89	...	...	...	...	...	...	...	61	17	100	30	1,226	
Superior Courts	31	...	2	23	...	...	...	...	...	...	...	...	6	25	20	...	
TOTAL ...	31,532	31	15,785	13,778	17	...	...	1,061	2	...	...	275	583	13,828	14	35,249	

JUDICIAL STATEMENT No. 5.—(CRIMINAL)—*Para. 14.*

Statement showing the punishments inflicted by the various Criminal Tribunals in the North-West Frontier Province in the year 1902.

CLASS OF TRIBUNAL.	PERSONS SENTENCED TO										DETAIL OF PUNISHMENT.																Number of boys whose sentences were commuted to detention in a Reformatory School.
				Imprisonment.							Fine.									Imprisonment.					Whipped.			
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace, or securities for good behaviour.	Persons imprisoned in default of security for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	15 days and under.	6 months and under.	2 years and under.	7 years and under.	Above 7 years.	10 stripes and under.	20 stripes and under.	30 stripes and under.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
Village Officers	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates. Special Magistrates under Section 14.	...	...	...	15	1	...	132	...	...	...	100	32	...	...	...	...	1,064	1043	5	9	7	...	...	...	...	...	...	
Subordinate Magistrates. Honorary Magistrates sitting singly	...	...	...	79	2	...	239	3	508	17	139	91	9	...	...	...	3,776	3643	101	25	61	12	...	...	...	...	3	
Subordinate Magistrates. Stipendiary Magistrates sitting singly.	...	...	...	2225	93	...	3521	274	5,165	246	2,638	761	79	40	3	...	46,145	39718	5434	450	1375	574	160	5	34	142	98	
Subordinate Magistrates. Benches of Magistrates ...	...	...	...	49	13	...	822	4	...	...	792	30	...	...	...	...	1,558	1523	47	22	40	...	...	...	...	3	1	
District and Divisional Magistrates—Cases referred under Sections 347, 349, Cr. P. C.	...	...	...	13	...	...	1	4	...	...	...	1	...	...	...	...	...	...	...	...	12	1	...	...	...	3	1	*Nil.*
Chief Magistrates of District ...	...	...	...	259	5	...	304	25	1,840	35	67	109	67	52	7	2	38,000	39389	5381	6	83	51	119	40	1	2	22	
Courts of Sessions	...	28	...	44	...	3	6	...	17	9	1	5	...	...	...	...	110	70	...	...	2	16	16	19	...	...	...	
Superior Courts	18	4	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	
TOTAL ...	18	32	...	2,685	114	3	5,025	310*	7,530	307	3,737	1,029	155	92	10	2	90,653	85,386	10,968	512	1,580	655	295	64	35	150	125	...

* Includes 45 persons punished under the Frontier Crimes Regulation.

NOTES.—I. In 2 cases fulfilment of contract was ordered under Act XIII of 1859.

II. 19 persons were released on probation of good conduct under Section 562 Cr. P. Code.

III. 277 persons were ordered to remove under Section 36, F. C. R., No. III of 1901.

Imperial

JUDICIAL STATEMENT No. 5 A.—(CRIMINAL)—*Para. 15.*

Statement showing the particulars of whippings inflicted by the Criminal Tribunals during the year 1902.

PART I.

SHOWING WHIPPINGS INFLICTED UNDER SECTIONS 2 AND 3, ACT VI, 1864, IN LIEU OF OTHER PUNISHMENTS.

OFFENCES FOR WHICH AWARDED.	NUMBER OF STRIPES AWARDED.												Total.
	5 & under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.		
	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	
IN LIEU OF OTHER PUNISHMENTS.													
(Sections 2 and 3, Act VI, 1864).													
1. Theft, as defined in ... ... — Section 378, I. P. C.	3	...	13	...	32	...	20	2	11	...	11	4	96
„ 380, „	2	...	3	...	3	1	12	...	4	...	3	...	28
„ 381, „	...	...	...	...	1	...	3	...	...	...	1	...	5
„ 382, „	...	...	...	...	...	...	...	...	...	...	4	...	4
2. Extortion, as defined in ... ... — „ 388, „	...	...	...	...	...	...	...	...	...	...	...	...	...
„ 389, „	...	...	...	...	...	...	...	...	...	...	...	...	...
3. Dishonestly receiving stolen property, as defined in — „ 411, „	...	...	5	...	17	...	6	...	1	...	15	...	44
„ 412, „	...	...	...	...	...	...	...	...	...	...	...	...	...
4. Lurking house-trespass, as defined in ... „ 443, „	...	...	...	...	2	...	1	...	...	...	...	...	3
5. Lurking by night, as defined in ... „ 444, „	...	...	...	...	1	...	1	...	2	...	1	...	5
6. House-breaking, as defined in ... ... „ 445, „	...	...	...	...	2	1	...	...	2	...	1	...	6
7. House-breaking, by night, as defined in ... „ 446, „	...	...	...	...	8	...	4	...	1	...	2	...	15
8. Offence under Section 52 of Prisons Act 1894	...	...	...	...	...	...	...	...	...	...	...	...	...
TOTAL ...	5	...	21	...	66	2	47	2	21	...	38	4	206

PART II.

Showing whippings inflicted in addition to other punishments, Sections 3 and 4, Act VI, 1864.

Offences for which awarded.	Number of Stripes.						Total.
	5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.	
In addition to other punishments.							
(Sections 3 and 4).							
A.—Section 3.							
1. Theft, as defined in ... Section 378, I.P.C. ...	...	1	2	3	...	3	9
„ 380, „ ...	...	...	1	1	3	1	6
„ 381, „ ...	...	...	1	...	...	...	1
„ 382, „ ...	...	...	...	...	...	...	...
2. Extortion, as defined in „ 388, „ ...	...	...	...	...	...	...	...
„ 389, „ ...	...	...	...	...	...	...	...
3. Dishonestly receiving stolen property, as defined in „ 411, „ ...	...	...	3	...	...	3	6
„ 412, „ ...	...	...	...	...	...	2	2
4. Lurking house-trespass, as defined in „ 443, „ ...	...	...	...	...	...	...	...
5. Lurking by night, as defined in „ 444, „ ...	...	...	...	...	...	2	2
6. House-breaking, as defined in „ 445, „ ...	...	...	1	...	...	2	3
7. House-breaking by night, as defined in „ 446, „ ...	...	1	...	1	1	6	9
8. Offence under Section 52 of Prisons Act 1894	...	...	...	...	...	...	...
B.—Section 4.							
1. False evidence, as defined in Section 193, I.P.C. ...	...	...	...	...	...	...	...
„ 194, „ ...	...	...	...	...	...	...	...
„ 195, „ ...	...	...	...	...	...	...	...
2. False charge of unnatural offence, as defined in „ 211, „ ... and „ 377, „ ...	...	...	...	...	...	...	...

3.	Assault, as defined in ...	...	Section	354,	I.P.C.	...	...	...	...	...	...	...	...	...	...	
4.	Rape, as defined in ...	...	„	375,	„	...	...	...	...	...	...	...	2		2
5.	Unnatural offence, as defined in ...		„	377,	„	...	...	...	...	...	...	...	2		2
6.	Robbery, as defined in ...	...	„	390,	„	...	...	...	...	...	...	...	4		4
7.	Dacoity, as defined in ...	...	„	391,	„	...	...	...	...	...	...	...	...	...	...	
8.	Attempt at robbery, as defined in ...		„	393,	„	...	...	...	...	...	...	...	...	...	...	
9.	Hurt in committing robbery, as defined in		„	394,	„	...	...	...	...	...	...	...	2		2
10.	Receiving stolen property, as defined in		„	413,	„	...	...	...	...	...	...	...	...	...	...	
11.	Forgery, as defined in ...	...	„	463,	„	...	...	...	...	...	...	...	...	...	...	
			„	466,	„	...	...	...	..	...	...	...	...	...	...	
			„	467,	„	...	...	...	...	...	...	...	...	...	...	
			„	468,	„	...	...	...	...	...	...	...	...	...	...	
			„	469,	„	...	...	...	...	...	...	...	...	...	...	
12.	Lurking house-trespass, as defined in		„	443,	„	...	...	...	...	...	...	...	...	...	...	
13.	Lurking by night, as defined in ...		„	444,	„	...	...	...	...	...	...	...	...	...	...	
14.	House-breaking, as defined in ...		„	445,	„	...	...	...	...	...	...	...	...	...	...	
15.	House-breaking by night, as defined in		„	446,	„	...	...	...	...	...	...	...	...	...	...	
			TOTAL			...	...	2	8	5	4	29			48	

PART III.

Showing whippings inflicted under Section 5, Act VI, 1864, on Juveniles, for offences other than those specified in Parts I and II.

Offences.	Stripes.												Total.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.		
	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	
Rioting, Section 147, I. P. C.	2	...	1	...	...	...	...	...	...	...	...	...	3
Assault to a woman with intent to outrage her modesty, 354 ...	1	...	...	...	...	...	...	...	...	...	...	...	1
Unnatural offence, 377	...	...	...	...	...	...	...	...	...	...	1	...	1
Railway offence Section 130 of Railway Act IX of 1890 ...	...	...	5	..	...	...	...	...	...	...	...	...	5
Arms Act XI of 1878	...	...	...	...	1	...	...	...	...	...	...	...	1
Total ...	3	...	6	...	1	...	...	...	...	...	1	..	11

PART IV.

Showing the relative number of times whipping was awarded, as compared with other punishments in cases in which whipping might have been awarded.

Punishments.	Number.	Remarks.
1. Total number of whippings awarded	265	
2. Total number of other punishments in cases in which whipping might have been awarded.	931	
3. Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2).	1,196	
4. Percentage of whippings on total number of all punishments (percentage of heading 1 on heading (3).	22	

Note.—45 persons punished under the Frontier Crimes Regulation have not been shown in this statement.

JUDICIAL STATEMENT No. 6.—(CRIMINAL)—*Para. 16.*

Statement showing the result of Appeal and Revision in Criminal Cases in the N.-W. F. Province in the year 1902.

TRIBUNALS.	NUMBER OF PERSONS.											Average number of days during which each appeal lasted.	REMARKS. (Showing number of persons dealt with under Section 106 (3) of the Code or under Section 8, Clause (2) of the Reformatory Schools Act.)
	Total number of appellants and applicants for revision before the Court.	Died, escaped, transferred to another Province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trail or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
APPEAL.													
To Chief Magistrates of Districts	923	...	352	226	24	129	170	2	...	...	20	14	
„ Courts of Sessions	829	15	355	139	14	194	100	...	1	...	11	17	
„ Superior Courts { by persons convicted ...	191	...	18	80	8	35	31	...	8	...	11	20	
„ Superior Courts { by Government from judgments of acquittal	3	...	...	...	...	...	...	...	...	...	3	...	
Total ...	1,946	15	725	445	46	358	301	2	9	...	45	17	
REVISION.													
By Chief Magistrate of Districts	278	...	199	...	...	...	...	...	62	10	7	11	
„ Courts of Sessions	155	...	145	...	...	...	...	...	1	7	2	11	
„ Superior Courts	219	6	116	22	6	27	28	...	5	...	9	11	
Total ...	652	6	460	22	6	27	28	...	68	17	18	11	
GRAND TOTAL ...	2,598	21	1,185	467	52	385	329	2	77	17	63	14	

Imperial.

JUDICIAL STATEMENT No. 13—(CRIMINAL).

Statement showing the use of juries and assessors in the Criminal Courts in the North-West Frontier Province in the year 1902.

Class of Courts in which Jurors or Assessors are employed.	Established or average number of Jury or Assessors in each case and prescribed qualifications.	Number of accused persons in Jury Trials.				Number of accused persons in trials with assessors.				Remarks.
		Tried.	As to whom the Judge.			Tried.	As to whom the Judge.			
			Approved verdict.	Did not approve of verdict.	Made reference under Section 307, Criminal Procedure Code.		Agreed with all the Assessors.	Differed from one or more, but not from all the Assessors.	Differed from all the Assessors.	
1	2	3	4	5	6	7	8	9	10	11
Magistrates' Courts under Chapter X, Cr. P. C.....Jurors ...	...	...	...	...	...	...	...	...	...	
Courts of Sessions { Jurors	...	...	...	...	...	...	...	...	...	
Courts of Sessions { Assessors	3	...	...	...	...	139	102	20	17	
High Court, Original (Criminal) Jurisdiction.....Jurors ...	...	...	...	...	...	...	...	...	...	

Commercial Press, Peshawar—27-7-03—150.

Provincial Appendix A—*Paragraph 8.*

Statement of Serious Offences under the Indian Penal Code admitted to have occurred during 1902 in each district of the North-West Frontier Province.

Offence.	Section of Indian Penal Code.	Offences admitted to have occurred.							Remarks.
		Peshawar.	Hazara.	Kohat.	Bannu.	Dera Ismail Khan.	Total 1902.	Total 1901.	
Rioting . .	147, 148, &c.	46	20	23	7	12	108	141	
Murder . .	302	79	20	36	34	11	180	213	
Do. attempt . .	307	23	3	15	9	5	55	50	
Culpable homicide . .	304	22	2	. .	8	1	33	41	
Hurt with aggravation . .	325 to 331, 333	110	63	31	35	15	254	273	
Kidnapping . .	363 to 369	14	7	1	3	6	31	44	
Rape . .	376	7	1	3	. .	2	13	16	
Unnatural offence . .	377	11	2	1	. .	3	17	25	
Theft . .	379 to 382, 401	395	139	184	183	157	1,058	1,141	
Robbery . .	392 to 394	15	3	21	24	9	72	73	
Dacoity with murder . .	396	1	. .	7	2	. .	10	7	
Do. other cases . .	395, 397, 398, 400, 401	21	. .	24	10	4	59	47	
Receiving stolen property . .	411 to 414	44	35	63	36	49	227	300	
Mischief with aggravation	429 to 433	60	92	33	21	8	214	185	
Criminal trespass resulting in death or grievous hurt	459, 460	6	. .	1	1	2	10	2	
Criminal trespass for commission of other serious offences . .	454, 457, 458	341	146	115	170	136	908	695	
Criminal trespass, other cases	453, 456	3	4	. .	1	3	11	22	
Total . .	1902	1,198	537	558	544	423	3,260	. .	
Total . .	1901	1,426	473	608	612	439	. .	3,301	

Provincial Appendix B—*Paragraph 16.*

Statement showing Criminal References to Councils of Elders under the Frontier Crimes Regulation and persons disposed of after such trials in each district during the years 1901 *and* 1902.

District.	References to Councils of Elders under section 11, Frontier Crimes Regulation.		Number of persons				Percentage of convictions.		Remarks.
			Tried.		Convicted.				
	1901.	1902.	1901.	1902.	1901.	1902.	1901.	1902.	
Peshawar . .	79	71	217	197	88	71	40	36	
Hazara . .	16	40	37	105	18	47	50	45	
Kohat . .	72	30	261	128	84	20	32	16	
Bannu . .	89	85	318	292	108	105	34	36	
Dera Ismail Khan	13	14	37	45	32	24	87	53	
Total . .	269	240	870	767	330	267	48	35	

N.-W. F. P. Govt. Press, Peshawar—2 J. C.—31-7-03—150.

REPORT

ON THE

ADMINISTRATION OF CRIMINAL JUSTICE

IN THE

NORTH-WEST FRONTIER PROVINCE

DURING THE YEAR

1903.

PUBLISHED BY AUTHORITY.

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1904.

Proceedings of the Hon'ble the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province, No. 722-N., dated 28 h July 1904.

READ—

The Report on the Administration of Criminal Justice in the North-West Frontier Province for the year 1903.

REMARKS.—The Chief Commissioner notices with satisfaction that the steady diminution in serious crime has been well maintained in all districts, and that the number of offences of all kinds reported in 1903 shows a decrease of 10 per cent. on the return for the previous year. Of the offences reported about the same percentage as last year were returned as true and the percentage of convictions in connection with these remained unaltered.

2. Magistrates appear generally to have paid due attention to the remarks recorded by the Chief Commissioner last year as to the expediency of summarily dismissing frivolous and vexatious complaints, and were more ready to make use of Section 250, Criminal Procedure Code.

3. There is a satisfactory increase in the number of cases in which the efficacious punishment of whipping was inflicted, but the advantages of this method of dealing with juvenile offenders might with good results be still more deeply impressed on the Native Magistracy.

4. Magistrates generally abstained from the unnecessary imposition of fines in cases where such a punishment was obviously inappropriate, but were perhaps unduly chary of awarding compensation to complainants.

5. On the whole, however, the report proves the year's working to have been highly creditable, and the thanks of the Chief Commissioner are due to the Judicial Commissioner, to the Sessions Judges and to the Magistracy of the Province for the way in which their duties have been discharged.

6. Finally, the Chief Commissioner cannot permit the present occasion to pass without endorsing the tribute paid by the Judicial Commissioner to the memory of the late Sardar Sir Sultan Jan, K.C.I.E.

ORDER.—Ordered, that a copy of the Review be forwarded to the Judicial Commissioner, North-West Frontier Province, for information, and that it be circulated with the Report, and the usual number of copies forwarded to the Government of India.

By order of the Hon'ble the Agent to the Governor-General
and Chief Commissioner,

E. B. HOWELL,

Asst. Secy. to the Hon'ble the Agent to the Governor-General and Chief Commr., North-West Frontier Province.

N.-W. F. P. Govt. Press, Peshawar.—328 S. to C. C.—30-7-04—155.

No. 420-A.

FROM

C. E. F. BUNBURY, ESQUIRE, I. C. S.,
Judicial Commissioner,
North-West Frontier Province,

To

F. W. JOHNSTON, ESQUIRE, I. C. S.,
Secretary to the Hon'ble the Chief Commissioner,
North-West Frontier Province.

Dated Peshawar, the 2nd July 1904.

SIR,

I HAVE the honour to submit the Annual Report on the Administration of Criminal Justice in the North-West Frontier Province during the year 1903, together with the statistical tables prescribed by the Government of India.

I have the honour to be,

SIR,

Your most obedient Servant,

C. E. F. BUNBURY,

Judicial Commissioner, N.-W. F. Province.

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[Maximum limit of Report not yet prescribed.]

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Provincial Appendix A.

Statement of serious offences under the Indian Penal Code admitted to have occurred during 1903 in each district of the North-West Frontier Province.

Provincial Appendix B.

Statement showing the criminal references to Councils of Elders under the Frontier Crimes Regulation in each district during the two years 1902 and 1903.

ANNUAL REPORT ON THE ADMINISTRATION OF CRIMINAL JUSTICE IN THE NORTH-WEST FRONTIER PROVINCE DURING THE YEAR 1903.

Judicial districts and sub-districts—Judicial Statement No. 1.

1. There has been no change in the number of Sessions divisions, districts and sub-districts shown in columns 4 to 6 of Judicial Statement No. 1. The total number of officers (columns 7 to 11) exercising criminal jurisdiction, original or appellate, on the last day of the year was 108 as against 104 in the preceding year: the increase was due to the posting of two additional officers owing to Settlement operations in Bannu and Kohat and to the strengthening of the staff in Peshawar and Hazara. The total number of criminal cases decided during 1903 was 22,511 as compared with 24,751 in 1902 and 23,334 in 1901: the decrease is observable under all the headings in columns 12 to 15 and is satisfactory.

For the reasons given in paragraph 2 of last year's report, criminal cases decided in Kurram, North and South Waziristan and the Shirani Country have been excluded from the Provincial statistics.

GENERAL REVIEW OF OFFENCES.

Offences reported and admitted as true—Judicial Statement No. 2.

2. The total number of offences reported during the year was 18,219 as against 21,095 in 1902, and 20,247 in 1901. Of these, 13,255 or 73 per cent. as compared with 72 per cent. in 1902, were returned as true. The following table exhibits the fluctuations in each district of the Province during the last two years :—

Offences reported and returned as true—Judicial Statement No. 2.

District.	Population.	Offences reported.		Complaints dismissed *in limine*.		Offences admitted to have occurred.		Cases brought to trial.		Percentage of cases brought to trial and offences admitted.	
		1902.	1903.	1902.	1903.	1902.	1903.	1902.	1903.	1902.	1903.
Peshawar ...	788,707	8,569	6,603	1,473	1,425	6,628	5,178	6,234	4,823	94	93
Hazara ...	560,288	4,150	3,535	1,684	1,579	2,323	1,956	2,083	1,749	90	89
Kohat ...	217,865	2,925	2,810	150	382	2,616	2,428	2,443	2,361	93	97
Bannu ...	231,485	3,649	3,095	1,096	1,009	2,459	2,086	2,157	2,030	88	97
Dera Ismail Khan	252,379	1,802	2,176	548	569	1,209	1,607	1,030	1,529	85	95
Total ...	2,050,724	21,095	18,219	4,951	4,964	15,235	13,255	13,947	12,497	92	94

Dera Ismail Khan alone of the districts in the Province records an increase of 21 per cent. in the total number of offences reported and of 33 per cent. in the number of cases returned as true. The District Magistrate has ascribed this increase to the slackness of the Native Magistracy and to the

ingrained propensity of the people of Dera Ismail Khan District for resorting to the criminal courts. This explanation, however, seems to be wide of the mark: for the incompetency of the Native Magistracy and the natural litigiousness of the people would be factors of a more or less constant character and would not account for marked variations in the statistics from year to year. As a matter of fact the increase in offences reported and returned as true in Dera Ismail Khan has occurred mainly in cases under the Indian Penal Code and in security cases under the Frontier Crimes Regulation. The increase under the latter head would denote greater activity, rather than slackness, on the part of the Police and Magistracy. During the year under report 1,475 offences were reported and 955 were returned as true under the Indian Penal Code, as compared with 1,258 and 740 respectively in 1902. But the figures for the year 1902 were abnormally low: and it is this circumstance that makes the statistics for 1903 appear high by comparison; whereas in point of fact the figures for 1903 are still considerably lower than those for 1901, when 1,640 offences were reported and 1,075 were returned as true under the Indian Penal Code.

The decreases in the total number of offences reported in the remaining districts of the Province, in so far as they call for explanation or comment, will be discussed later on, when dealing with offences under the Indian Penal Code or against Local and Special Laws.

Complaints dismissed *in limine*.

3. The total number of complaints dismissed under Section 203, Criminal Procedure Code, was 4,964 as against 4,951 in 1902: but the Provincial percentage of complaints summarily dismissed to the total number of offences reported was 28 in 1903 as compared with 23 in 1902. In the districts the highest percentage was as usual in Hazara, where 44 per cent. of the total offences reported, whether on complaint or direct to the Police, were dismissed summarily. In Peshawar the percentage of complaints summarily dismissed to total offences reported rose from 17 to 21, in Kohat from 5 to 13, and in Bannu from 30 to 32.

Dera Ismail Khan is the only district which shows a slight falling off, from 30 to 26, in the percentage of complaints dismissed summarily.

Taken as a whole these statistics may be regarded as satisfactory: for they seem to show that Magistrates are paying greater attention to their duty in throwing out false and frivolous complaints summarily, thereby obviating unnecessary reference to the Police and the consequent annoyance to innocent persons. The district reports also show that District Magistrates continue to impress upon the Native Magistracy the importance of examining complainants fully and intelligently in the first instance, so as to get at the real facts of the case.

Compensation under Section 250, Criminal Procedure Code—Judicial Statements No. 2, column 10, and No. 3, head 6.

4. The number of cases in which complainants, who had preferred frivolous and vexatious complaints, were ordered to pay compensation to the accused persons has gradually risen from 129 cases in 1901 to 133 in 1902, and 144 in 1903. The number of cases dealt with under this section during the year under report varied from 53 in Hazara to 6 in Kohat. The total compensation awarded amounted to Rs. 1,633 as against Rs. 1,560 in 1902.

Cases and persons brought to trial—Judicial Statement No. 2, columns 4 to 7.

5. The number of cases brought to trial was 12,497 which represents 94 per cent. of the offences admitted to have occurred. These cases involved 28,001 persons, of whom 13,661 or 48 per cent. were convicted. The proportion of persons convicted to those brought to trial was highest in Kohat, namely 52 per cent.: Peshawar comes next with 51 per cent.: Bannu and Dera Ismail Khan follow with 47 and 43 per cent. respectively: while Hazara, which still takes the lowest place, shows a marked improvement from 31 to 42 per cent.

OFFENCES UNDER THE INDIAN PENAL CODE.

Offences under the Indian Penal Code—Judicial Statement No. 2.

6. Of the total number of 18,219 offences of all kinds reported during the year 10,765 or 59 per cent. were under the Indian Penal Code, and of these 6,916 or 64 per cent., as compared with 66 per cent. in 1902, were returned as true. The following table shows the number of offences reported, admitted, and brought to trial under the Indian Penal Code during the past three years:—

District.	Year.	Offences reported.	Offences admitted to have occurred.	Offences brought to trial.	Cases ending in conviction.	Percentage of convictions to offences.	
						Admitted to have occurred.	Brought to trial.
Peshawar	1901	3,246	2,643	2,480	975	37	39
	1902	4,080	2,539	2,145	823	32	38
	1903	3,651	2,411	2,047	846	35	41
Hazara	1901	2,993	1,780	1,447	301	17	21
	1902	2,939	1,708	1,485	433	25	30
	1903	2,598	1,314	1,110	410	31	36
Kohat	1901	1,577	1,204	1,098	376	31	34
	1902	1,374	1,140	937	323	28	34
	1903	1,389	1,071	994	409	38	41
Bannu	1901	1,920	1,455	1,118	321	22	29
	1902	1,892	1,459	1,185	339	23	28
	1903	1,652	1,165	1,101	341	29	30
Dera Ismail Khan	1901	1,640	1,075	848	275	26	32
	1902	1,259	774	564	264	34	47
	1903	1,475	955	871	323	33	37
Total ...	1901	11,376	8,157	6,991	2,248	27	32
	1902	11,544	7,620	6,266	2,182	29	35
	1903	10,765	6,916	6,123	2,329	33	38

The decrease in offences returned as true is most marked in Hazara, where the number of such cases fell from 1,708 to 1,314 or by 23 per cent.: and this result is the more satisfactory as the percentage of convictions has steadily risen from 17 in 1901, and 25 in 1902, to 31 in 1903. There has been a decrease in crime in Hazara all round, offences against the human body having fallen from 785 to 560, and those against property from 655 to 517. Bannu, Kohat and Peshawar also record decreases in the number of offences returned as true, together with satisfactory increases in the percentages of convictions. Dera Ismail Khan is the only district which shows a rise from 740 to 955 in the number of offences admitted to have occurred: but the increase has taken place entirely under the minor heads of assault, hurt, criminal trespass, &c. As already remarked, the increase in offences admitted as true in Dera Ismail Khan is brought into prominence by the circumstance that the figures for 1902 were abnormally low: but the total still falls short of the total for 1901 by 120 cases.

7. Out of 6,123 cases brought to trial under the Indian Penal Code convictions were secured in 2,329 cases, or 38 per cent. These 6,123 cases affected 14,303 persons, of whom 9,759 or 68 per cent. were discharged or

acquitted, as compared with 71 per cent. in 1902 and 72 per cent. in 1901. The causes which contribute to the large proportion of persons discharged or acquitted by the criminal courts have been explained in previous annual reports; and those causes still continue to operate. Nevertheless, a marked improvement is noticeable in the results of the year under report: the proportion of persons acquitted and discharged has fallen appreciably: and at the same time the provincial percentages of cases and persons convicted under the Indian Penal Code to those brought to trial during 1903 have risen to 38 and 28 respectively.

Serious offences under the Indian Penal Code admitted to have occurred—Provincial Appendix A.

8. A table is attached as Provincial Appendix A showing for each district in the Province the number of offences admitted to have occurred under the most important heads of crime: the totals for 1901 and 1902 have been added for purposes of comparison. This table shows that there has been a steady diminution in serious crime during the past three years: the number of murders, *viz.* 172, is the lowest recorded since this Province came into existence: and cases of theft, robbery and burglary show a marked falling off.

In Peshawar the number of murders rose from 79 in 1902 to 85 in 1903: the increase is not material, seeing that the number of murders in 1902 was the lowest recorded since 1893. The murders in 1903 comprised one case of double, one of treble, and one of quintuple murder: in the last mentioned case five persons of one family of trans-border settlers were wiped out by a party of armed men who had come about 100 miles from Nawagai territory to wreak revenge in pursuance of an old feud. In connection with this subject, the Sessions Judge remarks :—

"The increase in murders is small, but I am sorry to see it. I am certain that it need not have occurred if the Magistrates and Police had taken prompt measures in cases in which murders were likely to ensue. I am led to this conclusion from the Sessions cases that have come before me. In more than one instance the murder might have been prevented if the Police had asked for security to be taken or for the cause of the offence to be removed from the district."

Dacoities with murder have risen from 1 to 5, while the number of ordinary dacoities has fallen to 11: 4 of the former and 5 of the latter offences were committed by trans-border men.

In Hazara the number of murders, namely 20, was the same as in 1902: but attempts to murder and culpable homicide have risen from 5 to 15. It is satisfactory to observe that the somewhat drastic check given to cases of taking security to keep the peace in 1902 has not been followed by an increase in serious offences against the person; the figures for this class of crime have remained fairly stationary in Hazara during the last two years.

The slight rise of serious offences from 558 to 588 in Kohat occurred mostly under the head of serious offences against the person and in cases of burglary. Of the 35 murders no less than 13 were committed by trans-border men and outlaws: and in no less than 16 cases the murderer succeeded in absconding. Similarly out of the 22 dacoities registered during the year no less than 18 were the work of trans-border tribesmen.

In the Bannu District there has been again a satisfactory decrease in serious offences from 612 in 1901 and 544 in 1902 to 414 in the year under report. Murders fell from 34 to 23, burglaries from 170 to 82, and robberies from 24 to 4. In explanation of this falling off in serious crime the District Magistrate writes as follows :—

"The chief cause of this decrease in the general total of offences, as also of the decrease in murders, robberies, and burglaries has been the lull in crime which is invariably caused by operations on the frontier and has followed, in the present instance, the military operations of November 1902. At the same time the Police of the district are fairly entitled to credit for their systematic surveillance of bad characters; and their successful capture of every murderer who has endeavoured to evade justice during the past year by absconding across the frontier, has had an excellent effect. If outlaws are prevented from congregating in the vicinity of this border line, it should be some time before the clans forget their punishment, connive once more at the wholesale commission of offences by fellow-tribesmen on this side of the frontier, and give a harbourage to every fugitive from justice as was the case in the unregenerate past."

In Dera Ismail Khan the number of serious offences has gone down from 423 to 375: murders have fallen from 11 to 9, robberies from 9 to 6, and dacoities from 4 to 2: but the largest decrease has occurred under the head of burglaries, which have gone down from 136 to 94. The District Magistrate ascribes these satisfactory results to the action taken to break up two notorious gangs of criminals in the district and to the fear inspired in evil-doers by the use made of the Frontier Crimes Regulation. Taken as a whole, however, the inhabitants of Dera Ismail Khan are much less addicted to the commission of serious offences than those of any district in this Province.

9. In connection with the statistics discussed in the preceding paragraph, and with reference to the remarks recorded in paragraph 4 of the Hon'ble the Chief Commissioner's Review of the Report on the Administration of Criminal Justice in the North-West Frontier Province for the year 1902, it seems desirable to explain that irreconcilable discrepancies must constantly occur between the statistics furnished in this Report and those embodied in the annual Police Administration Report. These discrepancies are due to the fact that the methods of computation adopted in the statistical statements prescribed for the two Reports are different, and the methods of classification of offences are in many cases quite dissimilar.

LOCAL AND SPECIAL LAWS.

10. The number of offences reported under Local and Special Laws aggregated 7,454, of which 6,339 or 85 per cent., as against 80 per cent. in 1902, were returned as true.

Cases dealt with under the Arms Act have fallen off from 408 in 1901 and 311 in 1902 to 285 in the year under report: this decrease has occurred partly in the Peshawar and partly in the Dera Ismail Khan District. In connection with Arms Act cases the District Magistrate of Kohat writes :—

"Although the number of cases under the Arms Act shows a slight increase as compared with those recorded in 1902, it is much below the number detected in 1901, being 54 as against 50 in 1902 and 100 in 1901. The provisions of the Act are, however, steadily enforced and the convictions and confiscations are larger than those during 1902. The number of weapons illegally possessed by the people of the district has perhaps decreased since the new provisions of the Act came into force, but on the other hand greater activity on the part of the Police naturally leads to greater precautions on the part of the possessors of illegal weapons."

The Sessions Judge, Derajat, doubts whether the number of weapons in possession of the people has decreased, and observes :—

"Care has to be taken that the Police or the complainants do not fabricate cases under the Arms Act as a means to get the accused person convicted when evidence of the original offence is not forthcoming."

There has been an increase from 114 to 189 prosecutions under the Hackney Carriage Act: this is attributable to the more energetic action taken to punish drivers of ekkas and tumtums who contravene the terms of their licenses.

The marked decrease from 182 to 34 in cases prosecuted under the Canals and Drainage Act in the Bannu District is ascribed to the abundance of flood water in the Kurram River.

Cases dealt with under the Police Act in Peshawar have fallen from 587 in 1901, and 341 in 1902, to 227 in the year under report: no specific reason has been assigned for this decrease; but it is possibly ascribable to the deterrent effects of prosecutions in the preceding years.

11. Details of miscellaneous proceedings under the Criminal Procedure Code are given in Judicial Statement No. 3. The following table shows for each district the number of persons proceeded against for security to keep the peace and for good behaviour, and also the number of persons dealt with

Miscellaneous proceedings under the Criminal Procedure Code and security cases under the Frontier Crimes Regulation—Judicial Statement No. 3.

under the security provisions of the Frontier Crimes Regulation, during the past two years:—

Proceedings.	Year.	Total persons.									
		Peshawar.		*Hazara.*		*Kohat.*		*Bannu.*		*Dera Ismail Khan.*	
		Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of.	Convicted.
Breach of peace, Chapter VIII, Criminal Procedure Code.	1903	1,729	961	458	226	1,550	858	1,188	879	338	130
	1902	2,801	1,570	409	94	2,045	1,179	1,109	917	325	103
To prevent murder, Section 40, Frontier Crimes Regulation.	1903	8	8	18	15	18	16	80	79	341	294
	1902	97	40	8	8	1	1	50	49	64	43
Families with blood feuds, Section 41, Frontier Crimes Regulation.	1903	1,083	855	48	47	650	628	134	126	23	22
	1902	1,993	1,390	63	63	626	587	194	181	70	62
Further security, Section 46, Frontier Crimes Regulation.	1903	290	201	...	...	...	...	...	...	...	...
	1902	305	256	...	...	...	...	...	...	...	...
Total ...	1903	3,110	2,025	524	288	2,218	1,502	1,403	1,084	702	446
	1902	5,196	3,256	480	165	2,672	1,767	1,353	1,147	476	208
Good behaviour, Section 110, Chapter VIII, Criminal Procedure Code.	1903	406	360	28	17	136	101	167	132	120	66
	1902	697	597	47	27	150	117	171	145	121	101

The most remarkable feature of these statistics is the great falling off, amounting to 37 per cent., in the number of cases dealt with under the preventive sections of the Criminal Procedure Code and Frontier Crimes Regulation in the Peshawar District. In this connection the District Magistrate remarks:—

"The figures of cases under the preventive sections of Frontier Crimes Regulation during the past five years are:—

Year.	*Section 40.*	*Section 41.*	*Section 46.*
1899 ...	9	418	24
1900 ...	9	645	36
1901 ...	34	702	70
1902 ...	47	837	122
1903 ...	4	442	123

"There has been a considerable decrease especially in cases under Section 41, just as there has been a marked decrease under the preventive sections of the Criminal Procedure Code. This is directly due to a determined effort on my part to reduce the numbers of such cases: the sustained tendency to increase the number of such cases culminated in an indiscriminate use of these preventive sections both by the Magistracy and the Police, and the administration in this respect was, I consider, becoming ridiculous. The present figures are in my opinion healthier, and, as the District Superintendent, Police, has remarked in his Police Report, no ill effects have so far been observed."

The Sessions Judge observes on this:—

"I agree with the District Magistrate in his remarks. I believe that continued action on the lines he has laid down will have a good effect in improving the work of the Police and in securing from the Magistrates a quicker disposal of the cases. It is in these two ways that in my opinion the present failures occur. I think that the District Magistrate is right in believing that during 1902 a too indiscriminate use had been made of these provisions of the law. The result, however, of his action in reducing these cases must be awaited."

With regard to these extracts the Judicial Commissioner is inclined to think that it is perhaps going too far to say that the security provisions of the Frontier Crimes Regulation had been applied too indiscriminately of late. It must be remembered that during the last three years the single district of Peshawar, while showing a marked falling off in serious crime, has still registered nearly as many offences of murder, attempt to murder and culpable

homicide as the remaining four districts of the Province taken together. The fact also remains that in the year 1902, when the number of cases of security under Section 41 was highest, the number of murders (79) in Peshawar was the lowest recorded for a decade. The results of the District Magistrate's action during 1903 in largely reducing the number of security cases under the Frontier Crimes Regulation will not be apparent for some time yet; but meanwhile the Sessions Judge's remarks reproduced in paragraph 8 above show that in more than one case that came before him during 1903 murder might have been averted if the Police had applied for security or other preventive action to be taken.

In Kohat the increase of security cases under Section 41, Frontier Crimes Regulation, has been accompanied by a decrease in cases under Section 107, Criminal Procedure Code; this is owing to the fact that action is now taken under the former, instead of under the latter, provision of the law in all cases of disputes over women and other quarrels likely to lead to bloodshed.

There has been a very large and sudden rise from 43 to 294 in the number of persons required to furnish security under Section 40, Frontier Crimes Regulation, in the Dera Ismail Khan District. The District Magistrate has not assigned any explanation for this increase, though he states that cases have occurred chiefly in the Tank Sub-Division and were confined almost entirely to Pathans. Seeing that no less than 274 persons were bound over under Section 40, Frontier Crimes Regulation, in the Dera Ismail Khan District, as compared with 118 persons in the remaining four districts of the Province taken together, the inference suggests itself that this section may often have been applied in Dera Ismail Khan in cases where security under Section 41 of the Regulation would have been more appropriate.

The number of persons required to furnish security for good behaviour in this Province has fallen from 987 to 676, but this figure is still well in excess of the total, *viz.* 572, for the year 1901.

GENERAL RESULT OF CRIMINAL TRIALS.

12. Out of 28,237 persons under trial during the year, the cases of 27,645 were disposed of. Of these, 13,733 or 49 per cent., as against 51 per cent. in 1902, were acquitted or discharged.

General result of Criminal Trials—Judicial Statement No. 4.

District Magistrates disposed of 1,468 cases under the Frontier Crimes Regulation, 58 cases (as compared with 21 in 1902) under their enhanced powers, and 126 cases under their ordinary powers. Additional District Magistrates disposed of 146 cases as against 179 in 1902 under their enhanced powers.

During the year under report 17 persons were released on probation under Section 562, Criminal Procedure Code.

13. Honorary Magistrates sitting singly and in benches disposed of 1,777 cases. Arbab Muhammad Hussain Khan of Landi and the Bench of Honorary Magistrates at Peshawar each contributed a large share to this total.

Honorary Magistrates.

PUNISHMENTS.

14. Details of the punishments inflicted by the criminal tribunals are given in Judicial Statement No. 5. The only noticeable variation is the decrease from 7,530 to 6,026 in the number of persons ordered to furnish security: the decrease has occurred mostly in the Peshawar District, and the reasons therefor have been explained in paragraph 11 above.

Punishments—Judicial Statement No. 5.

Fines imposed during the year aggregated Rs. 1,16,305 ; while realizations, including sums on account of previous years, amounted to Rs. 87,070. Of the total amount of fines Rs. 66,758 or 60 per cent. were imposed in the courts of District Magistrates mostly under the Frontier Crimes Regulation ; and the major portion of the total of Rs. 16,360 granted as compensation was awarded under that Regulation.

Whipping—Judicial Statement No. 5 A.

15. The number of sentences of whipping passed totalled 284 under the Whipping Act and 70 under the Frontier Crimes Regulation, as compared with 265 and 45 in the previous year. The percentage on the total number of punishments in which whipping could have been inflicted again shows an improvement from 22 to 25 per cent. The increase in the number of whippings passed under the Frontier Crimes Regulation is satisfactory: the powers conferred by Section 6 of that Regulation can often be utilized with advantage in heinous cases of crime.

Only nine juveniles were sentenced to whipping during the year : the Native Magistracy still fails to appreciate this method of dealing with juvenile delinquents.

APPEALS AND REVISIONS.

Appeals and Revisions—Judicial Statement No. 6.

16. The number of persons who appealed to District Magistrates was 627 ; District Magistrates found it necessary to interfere in the case of 258 persons or 42 per cent. of those whose appeals were disposed of : the sentences on 17 persons were enhanced. The steady fall in the percentage of persons who elected to appeal from 33 in 1901, and 25 in 1902, to 22 in 1903 is a satisfactory feature, and indicates that speculative appeals have been checked by the power now vested in District Magistrates to enhance sentences.

Of 785 persons whose appeals were decided by the Courts of Session 260 persons, or 1 in 3, had their sentences altered or reversed.

Sessions Judges and District Magistrates on appeal enhanced the sentences on 28 persons, as against 38 persons in 1902 : this power continues to be very sparingly exercised by both these classes of tribunals.

FRONTIER CRIMES REGULATION.

Frontier Crimes Regulation—Provincial Appendix B.

17. A table is attached as Provincial Appendix B showing the number and results of criminal references to Councils of Elders under Section 11 of the Frontier Crimes Regulation in each district during the past three years. There has been a great increase in the number of such references from 240 to 355. The largest increase from 30 to 119 occurred in Kohat : this abnormal rise was due to the fact that a large number of outlaws had surrendered themselves for trial during the year: no less than 86 cases relating to outlaws were referred to jirga for decision.

The increase in references from 85 to 104 in Bannu was also due to the settlement of outstanding charges against outlaws who had surrendered.

In Peshawar, although the number of references to jirga was normal, and the percentage of cases convicted was good, the percentage of persons convicted to those referred to jirga was only 27, the smallest in the Province.

In this connection the District Magistrate writes :—

" Fluctuations in these figures depend of course upon the personal equation of individual officers : that the fluctuations are so small demonstrates that an uniform discretion is maintained by the responsible officers, and only really serious cases are now referred to jirgas : in spite, however, of strict attention to this question, both Magistrates and Police Officers are apt at times to be careless and unthorough in working out cases, and upon several occasions before appointing jirgas I have insisted upon either the Magistrate or the Police, as the case may be, making further enquiry : in no case, however, did this course

result in prosecuting to a judicial conviction. Of the 79 cases, 50 ended in convictions, giving the respectable percentage of 63. The marked difference between the percentage of persons convicted and that of cases convicted is due to the Pathan practice of incriminating as many persons as possible besides those really and actually concerned."

The increase in the number of persons referred to jirga in Hazara is explained by the District Magistrate as due to the fact that several riot cases involving a very large number of persons were so referred.

The special procedure provided by the Frontier Crimes Regulation should not ordinarily be applied to riot cases; riots generally occur in broad daylight; the main facts are known to a large number of persons who were present either as onlookers or participators in the fray; and such cases can well be decided by the regular tribunals under the ordinary law.

SESSIONS COURTS.

Work of Sessions Courts.

18. The following table shows the criminal business disposed of in the two Sessions Courts of this Province :—

Sessions Courts.	*Sessions cases.*		*Criminal appeals.*		*Applications for revision.*	
	1902.	1903.	1902.	1903.	1902.	1903.
Peshawar	40	55	317	298	130	123
Derajat	31	30	237	347	23	30

The average duration in Sessions cases was 32 days in Peshawar and 37 in the Derajat, and in criminal appeals 14 days in Peshawar and 8 days in the Derajat. The work in both the Sessions Courts is thoroughly in hand and up to date, as may be judged from the fact that there were only 9 criminal appeals altogether pending at the close of the year.

JUDICIAL COMMISSIONER'S COURT.

Work in Judicial Commissioner's Court.

19. The following table shows the business disposed of on the criminal side of this court during the past two years :—

	Murder references.		*Appeals.*		*Revisions.*	
	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
1902	25	25	118	180	122	204
1903	26	27	155	188	115	176

Capital sentences passed by Courts of Session were confirmed in the case of 18 persons and commuted in the case of 8 persons to transportation for life: one person under sentence of death was acquitted. The average duration of criminal appeals in this court was 34 days. The above figures relate to cases from the districts of the North-West Frontier Province. Six applications for revision in criminal cases from trans-frontier Political Agencies were also disposed of during the year.

Inspections.

20. The Judicial Commissioner visited each district on tour during the year, and inspected the courts of 3 Additional District Magistrates, 3 Sub-Divisional Officers in charge of outposts, 2 Assistant Commissioners at head-quarters, and 6 Extra Assistant Commissioners.

GENERAL.

Procedure.

21. Sessions Judges and District Magistrates repectively called for 122 and 826 records of decided cases for inspection : and any material errors and irregularities that came to light were brought to the notice of the courts concerned.

22. Instructions were issued in November 1903 impressing upon District Magistrates the necessity of taking up a greater proportion of Section 30 cases themselves, thus leaving the Additional District Magistrate, who is generally also the District Judge, more time to devote to Civil Judicial business and the supervision of the subordinate Civil Courts and process-serving establishments. In districts other than Peshawar, where the Deputy Commissioner's work is exceptionally heavy, the District Magistrate should have no difficulty in dealing with the bulk of Section 30 cases himself.

23. In conclusion, the Judicial Commissioner desires to place on record a brief tribute of appreciation to the memory of the late Shahzada Sir Sultan Jan, K.C.I.E., who retired from active employ at Kohat in April 1903, at the end of an exceptionally long and meritorious career, and who continued thereafter to exercise jurisdiction as an Honorary Magistrate and Civil Judge until the date of his death in May 1904. The greater part of the late Shahzada's service was spent at Kohat : he had acquired the respect and confidence of all classes of the people to a remarkable degree ; and his vast experience and local knowledge were always utilized in the best interests of the Judicial, as well as of the Executive, Administration.

C. E. F. BUNBURY,

Judicial Commissioner, N.-W. F. Province.

(Imperial.)

JUDICIAL STATEMENT No. 1.—(Civil and Criminal)—*Para.* 1.

Statement showing the Number of Judicial Divisions and the Number of Officers exercising Appellate or Original Jurisdiction in the North-West Frontier Province on the last day of the year 1903, *with the cost of tribunals.*

Name of Province.			Area in square miles.	Population.	Number of divisions for courts under Chief Court, but superior to chief courts of districts.	Number of districts.	Number of sub-districts.	Total Number of Officers exercising Original or Appellate Jurisdiction.					Total Number of Cases decided.				Total receipts of the courts.	Total charges of the courts.	Remarks.
								Judges of Chief Court of Province.	Judges of other courts superior to chief district courts.	Judges of chief courts of districts.	Judges of District Courts other than chief courts.	Judges of other subordinate courts.	*Original.* Regular.	*Original.* Miscellaneous.	*Appeals.* Regular.	*Appeals.* Miscellaneous.			
1			2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
																	Rs.	Rs.	
N.-W. Frontier Province.	Territory subject to the High Court.	Civil ...	13,197	2,050,724	2	5	16	1	2	3	26	33	21,098	3,399	1,504	163	3,30,629	8,49,849	
		Criminal ...			2	5	16	1	2	5	30	70	12,416	8,815	1,194	86			
		Revenue ...			...	...	...	...	...	...	...	...	...	...	...	...			
	Territory not subject to the High Court.	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Criminal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	

Grades of Judicial officers.		Europeans.	Natives.
Officers exercising both original and appellate jurisdiction.	High Court Judges ...	1	...
	Divisional Judges ...	2	...
	District Judges ...	3	1
	Additional Judges ...	...	...
	Subordinate Judges ...	1	...
Officers exercising original jurisdiction only.	Small Cause Court Judges	1	...
	Munsifs	...	6

(Imperial.)

JUDICIAL STATEMENT No. 2.—(CRIMINAL)—*Paras.* 2—9.

Statement of Offences reported and of Persons tried, convicted and acquitted of each class of offence in the North-West Frontier Province in the year 1903.

DESCRIPTION OF OFFENCE.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	NUMBER OF PERSONS					REMARKS.
				Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another province.	Remaining under trial.	
1	2	3	4	5.	6	7	8	9	10
Offences against the State, Chapter VI of the Indian Penal Code	...	...	...	...	...	...	...	...	
Do. relating to the Army and Navy, Chapter VII	1	1	1	1	...	1	...	...	
Do. against the public tranquillity, Chapter VIII	208	135	162	1,237	513	653	1	70	Complainants fined Rs. 13 under Sec. 250, Cr. P. C.
Do. by or relating to public servants, Chapter IX	20	9	8	8	3	5	...	...	
Contempts of the lawful authority of public servants, Chapter X	150	131	138	261	127	121	1	12	
False evidence and offences against public justice, Chapter XI	143	118	135	244	82	156	...	6	
Offences relating to coin and Government stamps, Chapter XII	20	12	16	25	12	13	...	...	
Do. do. to weights and measures, Chapter XIII	9	9	9	11	10	1	...	...	
Do. affecting the public health, safety, convenience, decency and morals, Chapter XIV ...	36	31	30	44	12	32	...	...	Complainants fined Rs. 5 under Sec. 250, Cr. P. C.
Do. relating to religion, Chapter XV	28	12	11	34	25	9	...	...	Complainants fined Rs. 15 under Sec. 250, Cr. P. C.
THE HUMAN XVI. Offences affecting life	262	227	321	753	355	328	5	65	
Attempt	79	55	60	83	38	42	1	2	
Causing of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births.	17	10	4	8	4	4	...	...	

Offences affecting body, Chapter	Hurt	2,612	1,550	1,448	3,566	2,884	597	1	84	Complainants fined Rs. 232 under Sec. 250, Cr. P. C.
	Wrongful restraint and wrongful confinement	145	84	81	213	179	17	...	17	Complainants fined Rs. 10 under Sec. 250, Cr. P. C.
	Criminal force and assault	742	464	438	992	794	186	1	11	Complainants fined Rs. 149 under Sec. 250, Cr. P. C.
	Kidnapping, forcible abduction, slavery and forced labour	92	29	28	51	21	21	...	3	
	Rape	19	8	9	11	6	5	...	...	
	Unnatural offence	42	26	28	45	12	28	...	5	Complainants fined Rs. 20 under Sec. 250, Cr. P. C.
Offences against property, Chapter XVII.	Theft	1,443	962	676	1,199	577	602	...	20	Complainants fined Rs. 274 under Sec. 250, Cr. P. C.
	Extortion	37	18	16	37	31	6	...	...	Complainants fined Rs. 8 under Sec. 250, Cr. P. C.
	Robbery and dacoity	138	71	65	219	129	100	...	20	
	Attempt	43	28	32	119	73	24	...	22	
	Criminal misappropriation of property	92	52	54	91	63	28	...	...	Complainants fined Rs. 7 under Sec. 250, Cr. P. C.
	Criminal breach of trust	328	140	135	194	129	61	...	4	Complainants fined Rs. 25 under Sec. 250, Cr. P. C.
	Receiving of stolen property	314	268	275	416	125	270	...	21	Complainants fined Rs. 60 under Sec. 250, Cr. P. C.
	Cheating	156	86	84	126	87	36	...	3	Complainants fined Re. 1 under Sec. 250, Cr. P. C.
	Fraudulent deeds and disposition of property	6	5	5	12	...	12	...	...	
	Mischief	929	504	444	1,154	991	135	...	28	Complainants fined Rs. 79 under Sec. 250, Cr. P. C.
	Criminal trespass	1,690	1,217	750	1,773	1,334	396	1	42	Complainants fined Rs. 218 under Sec. 250, Cr. P. C.
Offences relating to documents and to trade or property marks, Chapter XVIII		30	17	15	27	16	10	...	1	Complainants fined Rs. 3 under Sec. 250, Cr. P. C.
Criminal breach of contracts of service, Chapter XIX		1	1	1	1	1	...	...	...	
Offences relating to marriage, Chapter XX		661	458	477	1,021	865	127	2	27	Complainants fined Rs. 307 under Sec. 250, Cr. P. C.
Defamation, Chapter XXI		22	12	13	19	13	6	...	...	
Criminal intimidation, insult and annoyance, Chapter XXII		250	166	153	277	245	29	...	3	Complainants fined Rs. 57 under Sec. 250, Cr. P. C.
	Total	10,765	6,916	6,122	14,302	9,759	4,064	13	466	Rs. 1,483 paid under Sec. 250, Cr. P. C.
Offences under special and local laws		7,454	6,339	6,375	13,699	3,974	9,597	2	126	Complainants fined Rs. 150 under Sec. 250, Cr. P. C.
	Grand Total	18,219	13,255	12,497	28,001	13,733	13,661	15 *	592	

* 15 died.

(Imperial.)

JUDICIAL STATEMENT No. 2 A.—(CRIMINAL)—*Para.* 10.

Statement of Offences reported and of Persons tried, convicted and acquitted of each class of offence in the North-West Frontier Province in the year 1903.

DESCRIPTION OF OFFENCE.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	NUMBER OF PERSONS					REMARKS.
				Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another province.	Remaining under trial.	
1	2	3	4	5	6	7	8	9	10
Offences under Local and Special Laws	...	...	...	...	...	...	...	...	
Proceedings under the Code of Criminal Procedure	3,283	2,397	2,413	6,134	2,393	3,664	...	77	Rs. 20 awarded under Section 250, Cr. P. C.
Breach of Laws relating to—									
Arms, ammunition and Military stores, Act XI of 1878	319	285	318	360	82	269	1	8	Rs. 80 awarded under Section 250, Cr. P. C.
Canals, Act VIII of 1873	68	37	37	105	76	29	...	...	Rs. 10 awarded under Section 250, Cr. P. C.
Cantonments, Military, Act III of 1880	281	218	218	414	61	353	...	...	Rs. 40 awarded under Section 250, Cr. P. C.
Cattle trespass, Act I of 1871	194	89	83	249	210	39	...	...	
City Chaukidars, Act XX of 1856	...	...	...	...	...	...	...	...	
Code of Civil Procedure, Act XIV of 1882	2	2	2	2	...	2	...	...	
Companies Act, Act VI of 1882	...	...	...	...	...	...	...	...	
Contract Workmen, Act XIII of 1859	62	56	46	87	82	5	...	...	
Contract by workmen on Railways and other Public Works, Act IX of 1860	...	...	...	...	...	...	...	...	
Criminal Tribes and Eunuchs, Act XXVII of 1871	...	...	...	...	...	...	...	...	
Emigration, Act VII of 1871	...	...	...	...	...	...	...	...	
Excise on Spirits and Drugs, Act XVI of 1883 and Act XII of 1896	35	33	33	46	15	31	...	...	
Factories, Act XV of 1881	...	...	...	...	...	...	...	...	
Farcy and Glanders, Act XIII of 1899	...	...	...	...	...	...	...	...	
Ferries, Act XVII of 1878	4	4	4	23	22	1	...	...	
Foreigners, Act III of 1864	...	...	...	...	...	...	...	...	
Forest, Act VII of 1878 and Act II of 1879	229	227	227	585	75	510	...	...	
Gambling, Act III of 1867	31	27	32	240	68	164	...	8	
Hackney and Stage Carriages, Act XVI of 1861 and Act XIV of 1879	190	189	189	220	32	188	...	...	
License Act, Act II of 1878	...	...	...	...	...	...	...	...	
Marriages, Christian, Act XV of 1872	...	...	...	...	...	...	...	...	
Municipalities, Act IV of 1873 and Act XX of 1891	216	216	216	254	35	219	...	...	
Murderous outrages, Act XXIII of 1867 and Act IX of 1872	...	...	...	...	...	...	...	...	

Mutiny, Act VII of 1867	...	...	...	...	...	...	...	...	...	...	...	...
Opium, Act I of 1878	...	...	...	...	...	27	26	25	35	6	29	...	...	
Pleaders, Act XVIII of 1879	...	...	...	...	...	...	...	...	...	...	...	...	...	
Police, Act V of 1861	...	...	...	...	...	647	647	617	879	143	736	...	...	
Post Office, Act VI of 1898	...	...	...	...	...	2	1	2	2	1	1	...	...	
Printing Presses, Act XXV of 1867	...	...	...	...	...	...	...	...	...	...	...	...	...	
Prisons, Act XXVI of 1870	...	...	...	...	...	3	3	3	4	1	3	...	...	
Prostitutes, Act III of 1880	...	...	...	...	...	...	...	...	...	...	...	...	...	
Punjab Courts Act, Act XVIII of 1884	...	...	...	...	...	...	...	...	...	...	...	...	...	
Punjab Laws Act, Act IV of 1872	...	...	...	...	...	219	217	218	469	139	329	1	...	
Railways, Act IV of 1879 and Act IX of 1890	...	...	...	...	...	31	27	31	81	18	63	...	...	
Registration, Act III of 1877	...	...	...	...	...	...	...	...	...	...	...	...	...	
Salt and Saltpetre, Act XII of 1882	...	...	...	...	...	36	36	36	47	8	38	...	1	
Stamps, Act II of 1899	...	...	...	...	...	14	14	13	22	2	20	...	...	
Telegraph, Act I of 1876 and Act XIII of 1885	...	...	...	...	...	13	10	4	9	7	2	...	...	
Treasure Trove, Act VI of 1878	...	...	...	...	...	...	...	...	...	...	...	...	...	
Vagrancy, European, Act IX of 1874	...	...	...	...	...	...	...	...	...	...	...	...	...	
Wandering and dangerous lunatics, Act XXXVI of 1858					...	...	...	...	...	...	...	...	...	
Explosives Act, Act IV of 1884	...	...	...	...	...	...	...	...	...	...	...	...	...	
Cruelty to Animals, Act XI of 1890	...	...	...	...	...	45	45	45	56	4	52	...	...	
Births and Deaths	...	...	...	...	...	25	25	25	30	6	24	...	...	
Frontier Regulations.														
Regulation VII of 1901	...	...	...	...	...	2	2	2	2	...	2	...	...	
Do. III of 1901, Section 22	...	...	...	...	...	34	34	33	48	1	41	...	6	
Do. „ „ „ 25	...	...	...	...	...	2	2	2	2	...	2	...	...	
Do. „ „ „ 29	...	...	...	...	...	15	13	13	25	3	22	...	...	
Do. „ „ „ 30	...	...	...	...	...	23	18	18	19	6	12	...	1	
Do. „ „ „ 33	...	...	...	...	...	3	3	3	3	2	1	...	...	
Do. „ „ „ 35	...	...	...	...	...	50	43	43	163	...	163	...	...	
Do. „ „ „ 36	...	...	...	...	...	195	180	180	312	70	242	...	...	
Do. „ „ „ 37	...	...	...	...	...	48	48	48	54	4	50	...	...	
Do. „ „ „ 40	...	...	...	...	...	209	206	207	485	53	412	...	20	
Do. „ „ „ 41	...	...	...	...	...	837	836	836	1,943	260	1,678	...	5	
Do. „ „ „ 46	...	...	...	...	...	123	123	123	290	89	201	...	...	
TOTAL	...					7,454	6,339	6,375	13,699	3,974	9,597	2*	126	Rs. 150 was paid under Section 250, Cr. P. C.

* Two persons died.

(Imperial.)

JUDICIAL STATEMENT No. 3—(CRIMINAL)—*Para.* 11.

Statement of Miscellaneous Proceedings under the Criminal Procedure Code in the North-West Frontier Province during the year 1903.

NATURE OF PROCEEDINGS.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	REMARKS.
1	2	3	4	5	6
1. Proceedings against witnesses under Chapter VIC and Section 485.	...	...	...	...	
2. Proceedings under Chapter VIII, to prevent breach of the peace	2,744	8,042	2,614	5,345	Includes prosecutions for security under Frontier Crimes Regulation VII of 1901, Sections 40, 41, 46.
3. Proceedings under Chapter VIII, security for good behaviour.	825	864	180	681	
4. Proceedings against local nuisances, Chapter X ...	6	11	8	3	
5. Possession, Chapter XII	110	347	240	107	
6. Frivolous or vexatious accusations summarily dealt with under Chapter XX, Section 250.	144	154	...	154	
7. Non-attendance of Jurors or Assessors, Chapter XXIII, Section 332.	...	...	...	...	
8. Maintenance, Chapter XXXVI	292	296	323	72	
9. Forfeiture of bail or recognizance under Chapter XLII ...	120	173	53	120	Includes cases under Section 43.
10. Proceedings under Chapter XLVI, Section 563, against convicted offenders released under Section 562.	5	19	6	13	
TOTAL ...	4,246	10,118	3,433	6,495	

(Imperial.)

JUDICIAL STATEMENT No. 4—(CRIMINAL)—*Paras.* 12 & 13.

Statement showing the General Result of Criminal Trials in the tribunals of various classes in the North-West Frontier Province during the year 1903.

CLASS OF COURTS.	Total number of persons under trial.	PERSONS WHOSE CASES WERE DISPOSED OF.											Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.	REMARKS.
		Died, escaped or transferred to another province.	Discharged or acquitted.	CONVICTED.													
				On regular trial.				On summary trial.				Committed or referred.					
				Sentence passed.	Released on probation, Section 562, Criminal Procedure Code.	*Youthful offenders dealt with under Section 31, Act VIII of 1897.*		Sentence passed.	Released on probation, Section 562, Criminal Procedure Code.	*Youthful offenders dealt with under Section 31, Act VIII of 1897.*							
						Discharged after admonition.	Delivered to parent or guardian, &c.			Discharged after admonition.	Delivered to parent or guardian, &c.						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Village officers ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates. Special Magistrates under Section 14 ...	84	...	22	61	...	...	...	...	...	...	...	...	1	46	19	153	
Subordinate Magistrates. Honorary Magistrates sitting singly ...	2,394	...	1,217	1,132	6	...	...	...	...	...	...	1	38	1,003	13	3,461	
Subordinate Magistrates. Stipendiary ditto ...	20,443	11	11,144	7,974	11	...	...	667	...	...	...	184	459	8,798	16	24,496	
Subordinate Magistrates. Benches of Magistrates ...	1,158	...	443	305	...	...	...	410	...	...	...	...	...	774	6	1,341	
District and Divisional Magistrates—Cases referred under Sections 347, 349, Cr. P. C.	6	...	...	5	1	...	...	...	...	...	...	...	...	6	6	...	
Chief Magistrates of Districts ...	3,898	2	862	2,895	1	...	1	48	...	...	...	4	85	1,652	13	641	
Courts of Session ...	223	2	44	120	...	...	...	...	...	...	...	* 47	10	111	25	939	
Superior Courts ...	28	...	1	26	...	...	...	...	...	...	...	...	1	26	34	...	
TOTAL ...	28,237	† 15	13,733	12,518	17	...	1	1,125	....	...	...	236	592	12,416	16	31,031	

* Includes 24 persons referred to Council of Elders for trial under Frontier Crimes Regulation.
† No accused person transferred to other provinces.

(Imperial.)

JUDICIAL STATEMENT No. 5—(CRIMINAL)—*Para.* 14.

Statement showing the Punishments inflicted by the various criminal tribunals in the North-West Frontier Province in the year 1903.

Class of Tribunal.	Persons sentenced to										Detail of punishment.																Number of boys whose sentences were commuted to detention in a Reformatory School.
				Imprisonment.							Fine.									Imprisonment.					Whipped.			
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace, or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fine imposed during the year.	Total amount of fine realized during the year.	Amount paid by way of compensation.	15 days and under.	6 months and under.	2 years and under.	7 years and under.	Above 7 years.	10 stripes and under.	20 stripes and under.	30 stripes and under.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
Village Officers ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. Special Magistrates under Section 14.	...	...	...	6	...	...	60	...	...	...	56	3	1	...	...	...	512	407	4	...	6	...	...	...	...	...	...	...
Subordinate Magistrates. Honorary Magistrates sitting singly	...	...	...	134	9	...	271	6	782	13	201	59	10	1	...	...	4,701	3,457	449	17	96	38	5	...	...	2	4	...
Subordinate Magistrates. Stipendiary Magistrates sitting singly.	...	...	...	2,085	108	...	3,674	300	3,331	199	2,796	784	67	25	2	...	42,406	34,113	5,880	336	1,348	542	143	21	52	115	133	...
Subordinate Magistrates. Benches of Magistrates ...	...	...	...	40	11	...	666	6	...	...	648	17	1	...	...	...	1,928	1,771	63	17	34	...	...	...	...	1	5	...
District and Divisional Magistrates— Cases referred under Sections 347, 349, C. P. C.	...	...	...	...	...	...	...	4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	3	...
Chief Magistrates of District ...	...	...	...	441	5	...	532	38	1,888	2	227	136	48	102	9	10	66,758	47,319	9,964	10	83	76	226	53	...	4	34	...
Courts of Session ...	...	48	...	47	...	1	...	...	25	22	...	...	...	...	...	...	...	3	...	...	3	7	46	13	...	...	...	...
Superior Courts ...	18	8	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total ...	18	56	...	2,753	133	2	5,203	*354	6,026	236	3,928	999	127	128	11	10	1,16,305	87,070	16,360	380	1,570	663	420	87	52	123	179	...

* Includes 70 persons punished under Frontier Crimes Regulation.

NOTES.—I.—In 5 cases fulfilment of contract was ordered under Act XIII of 1859.

II.—17 persons were released on probation under Section 562, Criminal Procedure Code.

III.—242 persons were ordered to remove under Section 36, Frontier Crimes Regulation.

(Imperial.)

JUDICIAL STATEMENT No. 5 A.—(CRIMINAL)—*Para.* 15.

Statement showing the Particulars of Whippings inflicted by the Criminal Tribunals during the year 1903.

PART I.

SHOWING WHIPPINGS INFLICTED UNDER SECTIONS 2 AND 3, ACT VI, 1864, IN LIEU OF OTHER PUNISHMENTS.

OFFENCES FOR WHICH AWARDED.	NUMBER OF STRIPES AWARDED.												Total.
	5 & under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.		
	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	
IN LIEU OF OTHER PUNISHMENTS. (Sections 2 and 3, Act VI, 1864.)													
1. Theft, as defined in Section 378, I. P. C.	5	...	26	...	20	...	17	...	9	...	30	1	108
" 380, "	2	...	3	1	3	...	5	...	3	...	9	...	26
" 381, "	1	...	...	...	6	...	2	...	2	...	3	...	14
" 382, "	...	...	...	...	1	...	...	...	1	...	6	...	8
2. Extortion, as defined in Section 388, I. P. C.	...	...	...	...	...	...	...	...	...	...	...	...	...
" 389, "	...	...	...	...	...	...	...	...	...	...	...	...	...
3. Dishonestly receiving stolen property, as defined in Section 411, I. P. C.	2	...	4	...	5	...	11	...	8	...	21	...	51
" 412, "	...	...	...	...	...	...	...	...	...	...	...	...	...
4. Lurking house-trespass, as defined in Section 443, I. P. C.	...	...	...	...	2	...	...	...	...	...	1	...	3
5. Ditto by night, as defined in Section 444, I. P. C.	...	...	...	...	...	...	...	...	...	...	...	...	...
6. House-breaking, as defined in Section 445, I. P. C.	...	...	...	...	...	...	...	...	...	...	...	...	...
7. Ditto by night, as defined in Section 446, I. P. C.	...	...	...	...	1	...	...	...	3	...	3	...	7
8. Offence under Section 52 of Prisons Act, 1894	...	...	...	...	...	...	...	...	...	...	...	...	...
9. Offence under Section 304, I. P. C.	...	...	...	...	...	...	...	...	1	...	...	...	1
10. Ditto 376, "	...	...	...	...	...	...	...	...	...	...	1	...	1
11. Ditto 392, "	...	...	...	...	...	...	...	...	...	...	1	...	1
12. Ditto 417, "	...	...	1	...	...	...	...	...	...	...	...	...	1
13. Ditto 454, "	...	...	...	...	...	...	...	...	1	...	...	...	1
14. Ditto 457, "	...	...	1	...	1	...	8	...	2	...	2	...	14
Total	10	...	35	1	39	...	43	...	30	...	77	1	236

JUDICIAL STATEMENT No. 5 A.—(CRIMINAL)—*continued.*

PART II.

SHOWING WHIPPINGS INFLICTED, IN ADDITION TO OTHER PUNISHMENTS, SECTIONS 3 AND 4, ACT VI, 1864.

OFFENCES FOR WHICH AWARDED.	NUMBER OF STRIPES.						Total.
	5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.	
IN ADDITION TO OTHER PUNISHMENTS. (Sections 3 and 4.)							
A.—SECTION 3.							
1. Theft, as defined in Section 378, I. P. C.	...	1	5	2	2	4	14
" 380, "	...	...	1	...	...	...	1
" 381, "	...	...	...	...	...	...	...
" 382, "	...	...	...	...	...	1	1
2. Extortion, as defined in Section 388, I. P. C.	...	...	...	...	...	...	...
" 389, "	...	...	...	...	...	...	...
3. Dishonestly receiving stolen property, as defined in Section 411, I. P. C.	...	...	...	...	...	2	2
" 412, "	...	...	...	...	...	...	...
4. Lurking house-trespass, as defined in Section 443, I. P. C.	...	...	...	1	...	1	2
5. Ditto by night, as defined in Section 444, I. P. C.	...	...	...	...	...	...	...
6. House-breaking, as defined in Section 445, I. P. C.	...	...	...	...	...	...	...
7. Ditto by night, as defined in Section 446, I. P. C.	...	...	1	1	...	1	3
8. Offence under Section 52 of Prisons Act, 1894	...	...	...	...	...	...	...
9. Ditto 326, I. P. C.	...	...	...	5	...	1	6
10. Ditto 454, "	...	...	1	...	...	...	1
11. Offence under Sections 457 and 458, I. P. C.	...	...	...	...	...	4	4
B.—SECTION 4.							
1. False evidence, as defined in Section 193, I. P. C.	...	...	...	...	...	...	...
" 194, "	...	...	...	...	...	...	...
" 195, "	...	...	...	...	...	...	...
2. False charge of unnatural offence, as defined in " 211, " and " 377, "	...	...	...	...	...	...	...

3.	Assault, as defined in Section 354, I. P. C.	...	...	...	...	...	...	...
4.	Rape, as defined in Section 375, I. P. C.	...	...	...	...	...	...	...
5.	Unnatural offence, as defined in Section 377, I. P. C. ...	...	...	...	1	...	1	2
6.	Robbery, as defined in Section 390, I. P. C.	...	...	...	...	...	...	...
7.	Dacoity, as defined in Section 391, I. P. C.	...	...	...	...	...	...	...
8.	Attempt at robbery, as defined in Section 393, I. P. C. ...	...	...	...	...	...	...	...
9.	Hurt in committing robbery, as defined in Section 394, I. P. C.	...	...	...	...	...	2	2
10.	Receiving stolen property, as defined in Section 403, I. P. C. ...	...	...	...	...	...	...	...
11.	Forgery, as defined in Section 463, I. P. C.	...	...	...	...	...	...	...
	„ 466, „	...	...	...	...	...	...	...
	„ 467, „	...	...	...	...	...	...	...
	„ 468, „	...	...	...	...	...	...	...
	„ 469, „	...	...	...	...	...	...	...
12.	Lurking house-trespass, as defined in Section 443, I. P. C. ...	...	...	...	...	...	...	...
13.	Ditto by night, as defined in Section 444, I. P. C. ...	...	...	...	...	...	...	...
14.	House-breaking, as defined in Section 445, I. P. C. ...	...	...	...	...	...	...	...
15.	Ditto by night, as defined in Section 446, I. P. C....	...	...	...	1	...	...	1
	Total ...	...	1	8	11	2	17	39

JUDICIAL STATEMENT No. 5 A.—(CRIMINAL)—*concluded.*

PART III.

SHOWING WHIPPINGS INFLICTED UNDER SECTION 5, ACT VI, 1864, ON JUVENILES FOR OFFENCES OTHER THAN THOSE SPECIFIED IN PARTS I AND II.

OFFENCE.	STRIPES.												Total.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.		
	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	
Section 147, I. P. C.	...	...	...	...	1	...	...	...	...	...	...	...	1
„ 304-A., I. P. C.	...	...	...	...	1	...	...	...	...	...	...	...	1
„ 326, „	...	...	...	...	1	...	...	...	...	...	...	...	1
„ 377, „	...	...	...	...	...	...	1	...	1	...	...	...	2
„ 497, „	...	...	...	...	...	...	...	...	...	...	1	...	1
„ 208, Cantonment Code	1	...	1	...	...	...	...	...	...	...	...	...	2
„ 25, Act III of 1885	...	...	...	...	1	...	...	...	...	...	...	...	1
Total ...	1	...	1	...	4	...	1	...	1	...	1	...	9

PART IV.

SHOWING THE RELATIVE NUMBER OF TIMES WHIPPING WAS AWARDED, AS COMPARED WITH OTHER PUNISHMENTS IN CASES IN WHICH WHIPPING MIGHT HAVE BEEN AWARDED.

PUNISHMENTS.	Number.	REMARKS.
1. Total number of whippings awarded	284	
2. Total number of other punishments in cases in which whipping might have been awarded.	990	
3. Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2).	1,274	
4. Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3).	25·90	

(Imperial.)

JUDICIAL STATEMENT No. 6—(CRIMINAL)—*Para.* 16.

Statement showing the Result of Appeal and Revision in Criminal Cases in the North-West Frontier Province in the year 1903.

Tribunals.	Number of Persons.											Average number of days during which each appeal lasted.	Remarks. (Showing number of persons dealt with under Section 106 (3) of the Code or under Section 8, Clause (2), of the Reformatory Schools Act.)
	Total number of appellants and applicants for revision before the Court.	Died, escaped, transferred to another province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
APPEAL.													
To Chief Magistrates of Districts	627	...	180	178	17	95	133	...	13	...	11	12	
„ Courts of Session	799	4	365	143	11	151	109	...	6	...	10	11	
„ Superior Courts { by persons convicted ...	206	1	38	74	4	53	14	...	1	...	21	31	
„ Superior Courts { by Government from judgments of acquittal.	3	...	2	...	...	...	...	...	1	...	...	57	
Total ...	1,635	5	585	395	32	299	256	...	21	...	42	27	
REVISION.													
By Chief Magistrates of Districts	274	...	182	...	...	...	...	...	77	11	4	19	
„ Courts of Session	153	...	132	...	...	...	...	...	3	16	2	14	
„ Superior Courts	183	4	102	...	10	13	39	...	8	...	7	20	
Total ...	610	4	416	...	10	13	39	...	88	27	13	17	
GRAND TOTAL ...	2,245	9	1,001	395	42	312	295	...	109	27	55	22	

(Imperial.)

JUDICIAL STATEMENT No. 13—(CRIMINAL).

Statement showing the Use of Juries and Assessors in the Criminal Courts in the North-West Frontier Province in the year 1903.

Class of Courts in which Jurors or Assessors are employed.	Established or average number of Jury or Assessors in each case and prescribed qualifications.	Number of accused persons in Jury trials.				Number of accused persons in trials with Assessors.				Remarks.
		Tried.	*As to whom the Judge*			Tried.	*As to whom the Judge*			
			Approved verdict.	Did not approve of verdict.	Made reference under Section 307, Criminal Procedure Code.		Agreed with all the Assessors.	Differed from one or more, but not from all the Assessors.	Differed from all the Assessors.	
1	2	3	4	5	6	7	8	9	10	11
Magistrates' Courts under Chapter X, C. P. C.—Jurors.	...	...	...	...	...	...	...	...	...	
Courts of Session { Jurors	...	...	...	...	...	...	...	...	...	
Courts of Session { Assessors	3	...	...	...	...	157	114	12	31	
High Court, Original (Criminal) Jurisdiction—Jurors	...	...	...	...	...	...	...	...	...	

Provincial Appendix A—*Para.* 8.

Statement of Serious Offences under the Indian Penal Code admitted to have occurred during 1903 in each district of the North-West Frontier Province.

Offences.	Section of Indian Penal Code.	Offences admitted to have occurred.								Remarks.
		Peshawar.	Hazara.	Kohat.	Bannu.	Dera Ismail Khan.	Total 1903.	Total 1902.	Total 1901.	
Rioting ...	147,148, &c.	49	15	30	9	6	109	108	141	
Murder ...	302	85	20	35	23	9	172	180	213	
Do. attempt ...	307	16	6	14	9	3	48	55	50	
Culpable homicide ...	304	14	9	10	7	4	44	33	41	
Hurt with aggravation ...	325 to 331, 333	123	65	35	35	15	273	254	273	
Kidnapping ...	363 to 369	9	4	4	4	7	28	31	44	
Rape ...	376	...	1	1	1	5	8	13	16	
Unnatural offence ...	377	14	1	3	2	6	26	17	25	
Theft ...	379 to 382	316	141	185	173	147	962	1,058	1,141	
Robbery ...	392 to 394	19	2	16	4	6	47	72	73	
Dacoity with murder ...	396	5	...	5	1	...	11	10	7	
Do. other cases ...	395, 397, 398, 400, 401 & 402	11	2	17	9	2	41	59	47	
Receiving stolen property ...	411 to 414,	115	26	45	27	55	268	227	300	
Mischief with aggravation ...	429, to 433	47	75	27	28	13	190	214	185	
Criminal trespass resulting in death or grievous hurt.	459, 460	16	1	1	...	1	19	10	28	
Criminal trespass for commission of other serious offences.	454, 457, 458	270	114	160	82	94	720	908	695	
Criminal trespass, other cases	453, 456	1	4	...	...	2	7	11	22	
Total 1903 ...	...	1,110	486	588	414	375	2,973	...	...	
Total 1902 ...	...	1,198	537	558	544	423	...	3,260	...	
Total 1901 ...	...	1,426	473	608	612	439	...	...	3,301	

Provincial Appendix B—*Para.* 17.

Statement showing Criminal References to Councils of Elders under the Frontier Crimes Regulation and persons disposed of after such trials in each district during the years 1901, 1902 and 1903.

District.	References to Councils of Elders under Section 11, Frontier Crimes Regulation, disposed of.			Number of persons						Percentage of convictions.			Remarks.
				Tried.			Convicted.						
	1901	1902	1903	1901	1902	1903	1901	1902	1903	1901	1902	1903	
Peshawar ...	79	71	79	217	197	362	88	71	101	40	36	27	
Hazara ...	16	40	33	37	105	190	18	47	135	50	45	71	
Kohat ...	72	30	119	261	128	238	84	20	120	32	16	50	
Bannu ...	89	85	104	318	292	272	108	105	128	34	36	47	
Dera Ismail Khan ...	13	14	20	37	45	60	32	24	33	87	53	55	
Total ...	269	240	355	870	767	1,122	330	267	517	48	35	46	

REPORT ON THE ADMINISTRATION OF CRIMINAL JUSTICE IN THE NORTH-WEST FRONTIER PROVINCE DURING THE YEAR 1904.

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REPORT

ON THE

ADMINISTRATION OF CRIMINAL JUSTICE

IN THE

NORTH-WEST FRONTIER PROVINCE

DURING THE YEAR

1904.

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PRINTED AT THE GOVERNMENT PRESS, NORTH-WEST FRONTIER PROVINCE.

1905.

Proceedings of the Hon'ble the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province, No. 1420-G., dated 8th August 1905.

READ—

The Report on the Administration of Criminal Justice in the North-West Frontier Province for the year 1904.

REMARKS.—The Chief Commissioner observes with satisfaction that the steady diminution in crime of all kinds, especially serious crime, remarked in previous reports, has been maintained in 1904. The decrease is appreciable in all districts, but has been most consistent in Peshawar and Bannu, where the District authorities are to be congratulated on the success of their efforts to cope with crime.

2. A remarkable and gratifying feature in the returns is the decrease in the number of cases which it has been found necessary to deal with under the special provisions of the Frontier Crimes Regulation rather than under the ordinary law. A comparison of the statistics of the years 1901 and 1904 shows that in the former year 269 criminal references were made to Jirgas, while in 1904 the number was only 189. The percentage of convictions in recent years also shows a steady improvement.

3. District Magistrates should bear in mind the admonition of the Judicial Commissioner that unremitting vigilance on their part is required to ensure the proper application by the subordinate magistracy of Sections 203 and 250 of the Code of Criminal Procedure, of the salutary provisions of the Whipping Act, and the exercise of discretion in dealing with juvenile offenders. The special register which the Judicial Commissioner has prescribed for recording the number of cases dismissed *in limine* and of cases in which compensation is awarded to the accused will perhaps help to overcome the reluctance of Native Magistrates to deal with frivolous and vexatious complaints as they deserve.

4. The provisions of the law for taking security to keep the peace, or refrain from the prosecution of a blood feud are evidently being used with more discrimination now than was shown in former years. Magistrates who have to cope with the criminal instincts of a Pathan community are right to make a full use of such provisions, but it must be remembered that, unless adequate enquiry is made, Section 107 of the Code of Criminal Procedure and Section 41 of the Frontier Crimes Regulation alike lend themselves to those in search of a means of vexation or oppression.

5. Captain Blakeway's proposals regarding the registration of marriages among Muhammadans are awaited with interest by the Chief Commissioner.

6. The thanks of the Chief Commissioner are due to the Judicial Commissioner for his report and for the manner in which he has discharged the onerous duties of his office.

ORDER.—Ordered, that a copy of the Review be forwarded to the Judicial Commissioner, North-West Frontier Province, for information, and that it be circulated with the Report, and the usual number of copies forwarded to the Government of India.

By order of the Hon'ble the Agent to the Governor-General and Chief Commissioner,

E. B. HOWELL,

Assistant Secretary to the Hon'ble the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province.

N.-W. F. P. Govt. Press, Peshawar.—222 S. to C. C.—9-8-05—151.

No. 401.

FROM

C. E. F. BUNBURY, ESQUIRE, I. C. S.,
Judicial Commissioner,
North-West Frontier Province,

To

F. W. JOHNSTON, ESQUIRE, I. C. S.,
Secretary to the Hon'ble the Chief Commissioner,
North-West Frontier Province.

Dated Peshawar, 12th July 1905.

SIR,

I HAVE the honour to submit the Annual Report on the Administration of Criminal Justice in the North-West Frontier Province during the year 1904, together with the statistical tables prescribed by the Government of India.

I have the honour to be,

SIR,

Your most obedient Servant,

C. E. F. BUNBURY,

Judicial Commissioner, N.-W. F. Province.

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[Maximum limit of Report not yet prescribed.]

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ANNUAL REPORT ON THE ADMINISTRATION OF CRIMINAL JUSTICE IN THE NORTH-WEST FRONTIER PROVINCE DURING THE YEAR 1904.

GENERAL REVIEW OF OFFENCES.

Offences reported and admitted as true—Judicial Statement No. 2.

1. The number of offences reported during the year was the smallest reported since the creation of this Province, namely 17,959, as against 18,219 in 1903, 21,095 in 1902, and 20,247 in 1901. Of these, 13,247 or 74 per cent., as compared with 73 per cent. in 1903, were returned as true. The fluctuations in each district of the Province during the last two years are exhibited in the following table :—

District.	Offences reported.		Complaints dismissed *in limine*.		Cases struck off as false.		Offences admitted to have occurred.		Cases brought to trial.		Percentage of cases brought to trial and offences admitted.	
	1903.	1904.	1903.	1904.	1903.	1904.	1903.	1904.	1903.	1904.	1903.	1904.
Peshawar ...	6,603	6,677	1,055	628	370	458	5,178	5,591	4,828	5,294	93	94
Hazara ...	3,535	3,459	1,448	1,346	131	128	1,956	1,985	1,749	1,834	89	92
Kohat ...	2,810	2,732	190	213	192	262	2,428	2,257	2,361	2,204	97	98
Bannu ...	3,095	3,250	929	1,003	80	74	2,086	2,173	2,030	2,003	97	92
Dera Ismail Khan.	2,176	1,841	528	542	41	58	1,607	1,241	1,529	1,156	95	93
Total ...	18,219	17,959	4,150	3,732	814	980	13,255	13,247	12,497	12,491	94	94

The only district in which there has been any noticeable increase in offences reported is Bannu, and there the increase has occurred under cases of grievous and simple hurt; and these offences do not constitute a very serious form of crime.

Complaints dismissed *in limine*.

2. The total number of complaints dismissed under Section 203, Criminal Procedure Code, and of cases struck off as false was 4,712 or 26 per cent. of cases reported, as against 28 per cent. in 1903. The decrease occurred mainly in Peshawar, where the number of complaints dismissed *in limine* fell from 1,055 to 628 in the year under report. No satisfactory explanation of this falling off has been offered by the District Magistrate : the decrease is probably due to remissness on the part of the Magistracy ; for there is no doubt that some Native Magistrates will not systematically reject frivolous complaints in a summary way, or award compensation to persons who have been harassed by false or vexatious complaints, unless they are constantly admonished to do so.

The percentage of cases thrown out summarily in Bannu has improved from 32 per cent. in 1903 to 33 per cent. in 1904.

The District Magistrate writes :—

"This would seem to show that Magistrates are paying greater attention to their duty in throwing out false and frivolous complaints summarily ; but, seeing that the proportion of persons discharged in consequence of the non-appearance of the complainant, or otherwise

increased in this district from 25 in 1903 to 29 during the year under review, I consider that there is still room for further improvement in this respect. In cases of simple hurt, assault, and insult discharges were unusually large. The litigious disposition of the inhabitants of Bannu in fact has before now been commented upon in the Provincial Report on the administration of Civil Justice; and this disposition also evinces itself in the frequency with which a word or a blow will be made the basis for a criminal case. Cases have been brought to my notice in which even children have instituted cases, though no doubt assisted or instigated by their elders. The time of the Courts is needlessly wasted with these futile cases, which nearly always end in orders of discharge or compromises."

The number of complaints which were referred to the Police for preliminary inquiry prior to being summarily thrown out decreased from 748 in 1903 to 479 in 1904. Out of these 479 complaints, however, no less than 360 appertained to the Bannu District: this proportion is very excessive, and the attention of the District Magistrate will be specially drawn to the point. The Judicial Commissioner has on more than one occasion noticed a tendency on the part of the Magistracy of the Bannu District to send a disproportionate number of complaints to the Police for preliminary investigation. This practice is open to several objections. It is frequently a sign of slackness, for a lazy Magistrate will often send a complaint of a non-cognizable offence to the Police for inquiry in order to avoid the trouble of inquiring into it himself. Again, a complainant will sometimes prefer a trivial complaint of assault or trespass against some party with whom he may have a dispute of a civil nature, trusting that it may be sent for local inquiry to the Police, and hoping by this means to put pressure on the other party to effect a settlement of the dispute. Such persons should not be allowed to misuse the agency of the Criminal Courts and the Police to further their disingenuous ends. Instances have also come to notice in which applications for security to keep the peace have been referred by Magistrates to the Police for inquiry under Section 202 of the Criminal Procedure Code: this practice is also irregular, for such an application does not constitute a "complaint" of an "offence" as defined in Section 4 (*h*) and (*o*) of that Code.

3. The number of cases in which complainants who had preferred frivolous and vexatious complaints were ordered to pay compensation to the accused persons was 141 as against 144 in 1903 and 133 in 1902. The total compensation awarded amounted to Rs. 1,393. In Peshawar the number of such cases fell from 33 to 23, and in Hazara from 53 to 39. The District Magistrate of Peshawar notes that in his opinion "more use of this provision of the law might well be made by Magistrates."

Compensation under Section 250, Criminal Procedure Code—Judicial Statement No. 2, column 10, and No. 3, head 6.

The District Magistrate of Hazara regards the decrease as regrettable, and says:—

"I am unable to account for it. Possibly it is due to the fact that in several cases I have had to reverse orders on appeal because the Magistrates would not take the trouble to follow the simple procedure laid down."

In Bannu there was a satisfactory increase from 35 to 55 in such cases, and the District Magistrate writes:—

"The particular attention of Magistrates, however, was drawn last year to the use of Section 250, Criminal Procedure Code, in checking unnecessary complaints, with the result that the number of cases in which complainants who had preferred frivolous and vexatious complaints were ordered to pay compensation to accused persons has risen from 35 in 1903 to 55 during the year under report, which is, I think, a move in the right direction."

There was reason to believe that some Native Magistrates used habitually to refrain from dismissing any complaints summarily, because such complaints used not to be entered in their monthly outturn of work. Whatever ground may have existed for such an attitude, however, has now been cut away, for a new form of monthly return has lately been introduced, in which all complaints dismissed summarily and all cases in which compensation is awarded have to be entered, and this will enable District Magistrates and controlling Courts to keep a regular check upon the working of Sections 203 and 250, Criminal Procedure Code, in all subordinate Courts.

4. The number of cases brought to trial was 12,491 or 94 per cent. of the offences admitted to have occurred. These cases involved 27,787 persons, of whom 12,955 or 47 per cent. were convicted. The proportion of persons convicted to those brought to trial was highest in Peshawar, namely 51 per cent., and lowest in Dera Ismail Khan, which shows a decrease from 43 to 38 per cent.

Cases and persons brought to trial—Judicial Statement No. 2, columns 4 to 7.

OFFENCES UNDER THE INDIAN PENAL CODE.

5. Of the total number of 17,959 offences of all kinds reported during the year 10,356 or 58 per cent. were under the Indian Penal Code, and of these 6,745 or 65 per cent., as compared with 64 per cent. in 1903 and 55 per cent. in 1902, were returned as true. The following table exhibits the number of offences reported, admitted and brought to trial under the Indian Penal Code during the past two years :—

Offences under the Indian Penal Code—Judicial Statement No. 2.

District.	Year.	Offences reported.	Offences admitted to have occurred.	Offences brought to trial.	Cases ending in conviction.	Percentage of convictions to offences.	
						Admitted to have occurred.	Brought to trial.
Peshawar	1903	3,651	2,411	2,047	846	35	41
	1904	3,259	2,279	2,043	831	36	41
Hazara	1903	2,598	1,314	1,110	410	31	36
	1904	2,542	1,338	1,170	427	32	36
Kohat	1903	1,389	1,071	994	409	38	41
	1904	1,470	1,051	899	352	33	39
Bannu	1903	1,652	1,165	1,101	341	29	30
	1904	1,813	1,322	1,163	307	23	26
Dera Ismail Khan	1903	1,475	955	871	323	33	37
	1904	1,272	755	663	232	31	35
Total ...	1903	10,765	6,916	6,123	2,329	33	38
	1904	10,356	6,745	5,938	2,149	32	36

The decrease in offences returned as true is most pronounced in Dera Ismail Khan, where the number of such cases fell from 955 to 755, or by 20 per cent. The falling off occurred chiefly under the heads of hurt, theft, criminal trespass, and receiving stolen property. In Peshawar there has been a steady fall in the number of offences admitted to have occurred from 2,643 in 1901, 2,539 in 1902, and 2,411 in 1903 to 2,279 in the year under report. This is satisfactory as indicating that offences under the Indian Penal Code have gone down by 14 per cent. in this district during the last four years. Bannu is the only district which shows any considerable increase, *viz.* 157, in the number of offences returned as true. The increase is chiefly noticeable in cases of hurt, which rose from 381 in 1903 to 574 in 1904. The District Magistrate, whose attention was called to the matter in August last, issued the following orders :—

"During the present year there has been a great increase in cases of grievous and simple hurt in the district in spite of the fact that more punishments have been awarded. This must be attributed to the fact that Maliks and Raises have not been doing their duty in reporting quarrels or in endeavouring to settle them by private jirga or through the agency of the village Mullah. All Maliks and Raises are now warned of their responsibility in this matter. As headmen recognized by Government it is necessary that they should assist the authorities

by endeavouring to bring about the amicable settlement of quarrels, or in default of being able to do this should report to the nearest Magistrate or Police Officer, so that the necessary action may be taken to prevent the parties revenging themselves upon each other."

The marked falling off in the percentage of cases convicted in the Bannu District is no doubt in great measure attributable to the increase in cases of hurt; for in a very large number of these cases a compromise is effected by the parties out of Court as soon as a summons is issued.

Serious offences under the Indian Penal Code admitted to have occurred—Provincial Appendix A.

6. The usual Provincial Appendix A is attached showing for each district in the Province the number of offences admitted to have occurred under the most important heads of crime. The totals for 1902 and 1903 have been added for purposes of comparison. There has been a steady diminution of serious crime during the past three years. The number of murders has steadily decreased from 180 in 1902 and 172 in 1903 to 141 during the year under report: the latter figure represents a drop of 18 per cent. upon the record for 1903. Though the number of attempts at murder shows a slight increase from 48 to 55, cases of culpable homicide went down from 44 to 25. Hurt with aggravation also decreased from 273 to 253. The numbers of cases of theft and robbery and dacoity also show satisfactory decreases during the triennial period.

In Peshawar the statistics of serious crime have remained at a uniform level during the last two years, decreases under some heads being counterbalanced by increases under other heads. In connection with dacoities the District Magistrate observes:—

"The small increase in ordinary dacoities is not serious. Of the 14 cases 2 were under Section 399, Indian Penal Code. Of the remaining 12 no less than 7 occurred in the one Police Station of Badaber, and were the work of one and the same trans-border gang of Zakka Khels, Aka Khels and outlaws: in two cases was murder committed in the commission of dacoities, while in one case the Patwari of Badaber mortally wounded the ringleader of the gang; and in no case did the dacoits succeed in carrying off property of any great value. Political action is being taken in respect of this gang, as also in respect of yet another gang which has started operations during 1905, but until some radical alterations are made in the existing arrangements for the management of the Khyber Afridi tribes on this border, little, if any, improvement can be looked for in this direction."

That out of 46 dacoities of all kinds recorded in the Province during 1904 no less than 21 were contributed by the single district of Kohat is one of the most salient features of the statistics contained in Provincial Appendix A. It should be explained, however, that in the dacoity at Darshi Khel six British subjects were killed, and consequently that single case has been shown in the returns, in accordance with standing rules, as six dacoities. Without such explanation the method of computation employed is apt to cause false impressions to be drawn from the statistics. The Kohat District, owing to the great distance along which its border marches with independent territory, is peculiarly exposed to the depredations of gangs of trans-frontier marauders. Most of the dacoities committed in the Kohat District during 1904 were the work of gangs of outlaws and trans-border men, as is evidenced by the following remarks of the District Magistrate:—

"Out of 21 dacoities only 2 were committed by British subjects. The remaining 19 were the work of trans-border tribes and outlaws living with them. On the return from the commission of the Shakardarra dacoity the raiders were surprised, and the notorious outlaw Jiwan Das was captured and another of the raiders was shot by the Khan of Teri's levies, and killed. In May last one of the Khost gang, of which Jiwan Das and Jani Gul were the leaders, was shot at night at Thal. His companions, however, escaped. The deceased raider was a Khostwal by name Gulab Khan, and from him was recovered one of the Police Snider rifles stolen in the Kamarmashani dacoity in the Mianwali District. In the Darshi Khel affair one of the raiders was captured and another killed by the village pursuit party. I note briefly the above facts as nothing in my opinion acts as a greater deterrent to these raiders than the fact that some of their members have been either shot or captured."

In connection with some cases that have come before him of dacoity with murder committed by armed gangs of outlaws and trans-border men, the Judicial Commissioner has been impressed with the difficulties against which the Police have to contend in obtaining satisfactory judicial proof in

such cases. The offence is generally committed on a pitch-dark night: the villagers are naturally very much scared, and the offenders add to the general confusion and alarm by discharging their fire-arms freely. Under the circumstances there is little chance of obtaining satisfactory evidence of identification unless an offender happens to get wounded and arrested on the spot. Even in cases where an outlaw suspected of complicity in a dacoity with murder is arrested a few days later with some of the property, which had been stolen in the dacoity, in his possession, the evidence may suffice for a conviction under Section 412, but it will not avail of itself to secure a conviction on the more heinous charge under Section 396, Indian Penal Code.

In Bannu there has been a steady and sustained decrease in heinous crime during the past three years. There were no dacoities of any kind in this district during 1904: this circumstance, which must be as gratifying to the local authorities as it is unique, has been ascribed by the District Magistrate as due partly to the more vigorous supervision of noted bad characters by the Police under a system of night-patrolling, which enables an effective check to be placed on the movements of criminals, and partly to some successful captures of outlaws and to the grant of liberal rewards to Maliks who have done good work.

The Sessions Judge remarks:—

"Serious offences both against person and property show a most satisfactory decrease. The absence of dacoities is indeed remarkable, and the decline in this class of offence, as also in thefts and burglaries, due to excellent Police work and administrative control, is a matter on which the district may be congratulated."

In Hazara there has been a very satisfactory decrease in murders from 20 to 14, and in cases of attempt to murder and culpable homicide from 15 to 6. Cases of mischief with aggravation, which is a form of crime to which the residents of Hazara are generally very addicted, also show a marked diminution from 75 to 42. The other fluctuations do not call for special comment.

The results exhibited by Dera Ismail Khan are also very satisfactory: the statistics of heinous crime have gone down from 423 in 1902 and 375 in 1903 to 317 in the year under report.

LOCAL AND SPECIAL LAWS.

7. The number of offences reported under Local and Special Laws was 7,603 against 7,454 in 1903 and 9,551 in 1902. Of these, 6,503 or 86 per cent. as against 85 per cent. in 1903 were returned as true.

Offences under Local and Special Laws—Judicial Statement No. 2 A.

Cases dealt with under the Arms Act have fallen from 408 in 1901, 311 in 1902, and 285 in 1903 to 232 in the year under report: this steady diminution is satisfactory in so far as it is the natural outcome of the systematic enforcement of the Arms Act and the Rules thereunder. Hazara is the only district which reports an increase from 15 to 27 in offences under the Arms Act: this increase is of no consequence, and appears to have been due to old weapons being discovered from time to time in the possession of persons whose houses were being searched in connection with other offences. The following remarks by the District Magistrate of Hazara are of interest; and the instructions which he has issued to the Subordinate Magistracy are appropriate:—

"In the disarmed part of the district a large number of old and obsolete weapons are still in possession of people without licenses. These cases are usually brought to light by the Police when searching houses in other criminal cases. Technically any portion of a fire-arm is an arm within the meaning of the Act, so that the possession of an old rusted gun barrel in a disarmed locality is an offence. Instructions have been issued to Magistrates to differentiate in imposing punishments between cases in which arms appear to have been possessed for felonious purposes, and those in which people have retained in their possession old arms which they have inherited and for which they could not or would not take the trouble to obtain a license."

An increase from 227 to 533 in cases dealt with under the Police Act in Peshawar has been ascribed mainly to a new method of calculation in accordance with which the number of cases corresponds with the number of persons involved, although two or more persons may have been prosecuted together in one case. The large increase from 218 to 523 in prosecutions under the Cantonments Act in this same district is attributed mainly to the appointment of a full-powered Cantonment Magistrate at Nowshera.

Miscellaneous proceedings under the Criminal Procedure Code—Judicial Statement No. 3—and security cases under the Frontier Crimes Regulation—Judicial Statement No. 2 A.

8. The following table shows for each district the number of persons proceeded against for security to keep the peace and for good behaviour, and also the number of persons dealt with under the security provisions of the Frontier Crimes Regulation during the past two years :—

Proceedings.	Year.	Total persons.									
		Peshawar.		*Hazara.*		*Kohat.*		*Bannu.*		*Dera Ismail Khan.*	
		Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of.	Convicted.
Breach of peace, Chapter VIII, Criminal Procedure Code.	1903	1,729	961	458	226	1,550	858	1,188	879	338	130
	1904	1,699	890	341	137	1,845	801	707	474	216	63
To prevent murder, Section 40, Frontier Crimes Regulation.	1903	8	8	18	15	18	16	80	79	341	294
	1904	8	6	7	7	4	4	21	21	76	41
Families with blood feuds, Section 41, Frontier Crimes Regulation.	1903	1,083	855	48	47	650	628	134	126	23	22
	1904	1,116	967	85	85	620	546	480	454	77	58
Further security, Section 46, Frontier Crimes Regulation.	1903	290	201	...	...	...	...	...	...	...	...
	1904	347	299	...	...	15	15	...	...	...	...
Total ...	1903	3,110	2,025	524	288	2,218	1,502	1,402	1,084	702	446
	1904	3,170	2,162	433	229	2,484	1,366	1,208	949	369	162
Good behaviour, Sections 109, 110, Criminal Procedure Code.	1903	406	360	28	17	136	101	167	132	120	66
	1904	375	285	71	45	104	57	88	76	70	49

Only 137 persons were bound over in security to keep the peace in Hazara during 1904 as compared with 1,657 persons in 1901; and it is satisfactory to note that the special steps taken by the District Magistrate in the last three years to reduce the number of cases dealt with under Section 107, Criminal Procedure Code, have not been followed by an increase in serious offences against the person.

In Bannu the increase in the number of persons bound over under Section 41, Frontier Crimes Regulation, has been counterbalanced by the decrease in the number of persons from whom security was taken under Section 107, Criminal Procedure Code. The reasons for these variations have been explained by the District Magistrate thus:—

"The increase of security cases under Section 41, Frontier Crimes Regulation, has been accompanied by a decrease in cases under Section 107, Criminal Procedure Code. This is owing to the fact that, in accordance with instructions issued by me, action is now taken under the former instead of the latter provision of the law in all disputes over women and other quarrels affecting families and factions. Previously the advantage of dealing with feuds of this nature by which whole families are involved had been somewhat overlooked by Magistrates, especially the Native Magistrates, amongst whom there is often a tendency to swell the statistical record of work by the inclusion of cases under Section 107, Criminal Procedure Code."

GENERAL RESULT OF CRIMINAL TRIALS.

General result of Criminal trials—Judicial Statement No. 4.

9. Out of 27,969 persons under trial during the year the cases of 27,433 were disposed of. Of these 14,283 or 51 per cent. as against 13,733 or 49 per cent. in 1903 and 51 per cent. in 1902 were discharged or acquitted. The proportion was as usual highest in the Courts of 2nd and 3rd Class Magistrates, where out of 9,207 persons disposed of no fewer than 6,600 or 72 per cent. against 71 per cent. in 1903 were acquitted or discharged. These Courts have to deal with petty cases of hurt, criminal trespass, &c., which are mostly compromised, withdrawn or filed owing to non-appearance of complainant. Comparatively few of these petty cases are prosecuted to a conviction.

District Magistrates disposed of 1,361 cases under the Frontier Crimes Regulation, 106 cases under their ordinary powers, and 63 cases, as against 58 in 1903, under their enhanced powers. Additional District Magistrates disposed of 119 cases under their enhanced powers.

Honorary Magistrates.

10. Honorary Magistrates sitting singly and in Benches afforded material assistance to the Judicial Administration by disposing of 1,723 cases. To this total Nawab Muhammad Hussain Khan of Landi and the Bench of Honorary Magistrates at Peshawar were as usual the principal contributors.

European British subjects.

11. Ten European British subjects were brought to trial during the year, 5 in Peshawar, of whom 2 were convicted of petty offences, and 5 in Hazara: the latter were British soldiers jointly charged with mischief: the case was merely one of rowdyism, and ended in a compromise.

PUNISHMENTS.

Punishments—Judicial Statement No. 5.

12. Only 20 persons as against 48 persons in the preceding year were sentenced to transportation for life by the Courts of Session. The decrease of 521 in the number of persons bound over to keep the peace or to be of good behaviour is most marked in Bannu and Dera Ismail Khan, and is consonant with the diminution in serious offences against life and property in those districts.

Fines.

13. The total fines imposed during the year amounted to Rs. 97,939 as against Rs. 1,16,305 in 1903. Realizations amounted to Rs. 81,613, out of which Rs. 10,174 were paid away as compensation. In the Bannu District fines aggregating Rs. 5,500 were imposed in connection with a very bad case of dacoity with murder committed during 1903 in Bannu town.

With reference to the subject of fines, the Judicial Commissioner has observed that, whereas it is a common practice for Deputy Commissioners in cases of culpable homicide tried by jirga to award compensation to the relatives of the deceased out of the fine imposed upon the convict, Sessions Judges seldom or never adopt this course in similar cases tried in their Courts. Yet a Criminal Court is legally competent in cases of culpable homicide to award compensation under Section 545, Criminal Procedure Code, to the widow and children of the person killed out of the fine which may be imposed on the convict (*vide* P. R. No. 17 Cr. of 1898, Full Bench); and it is probably only necessary to bring the point to notice for its expediency to commend itself to the Sessions Judges in this Province.

Whipping—Judicial Statement No. 5 A.

14. Sentences of whipping totalled 240 under the Whipping Act and 39 under the Frontier Crimes Regulation. The fact that only 5 juveniles as against 9 in 1903 were sentenced to whipping is an unsatisfactory feature. The percentage

on the total number of cases in which whipping could have been awarded also fell from 25 in 1903 to 16 in the year under report. This decrease can only be ascribed to the general reluctance of the Native Magistracy to inflict the punishment of whipping.

APPEALS AND REVISIONS.

Appeals and Revisions—Judicial Statement No. 6.

15. The number of persons who appealed to the District Magistrates rose from 627 in 1903 to 728 in 1904, and the percentage of persons who elected to appeal from 22 to 26. District Magistrates interfered in the case of 299 persons or 41 per cent. of those who appealed as against 42 per cent. in the previous year.

Sessions Judges altered or reversed the sentences of 317 out of 870 persons who appealed to their Courts. This represents 36 per cent.

Sessions Judges and District Magistrates enhanced the sentences on 25 persons only as against 28 in 1903. These figures show that the power of enhancing sentences on appeal is exercised with great moderation.

FRONTIER CRIMES REGULATION.

Frontier Crimes Regulation—Provincial Appendix B.

16. The number of criminal references to Councils of Elders has fallen from 240 in 1902 and 355 in 1903 to 189 in the year under report. As will be seen from Provincial Appendix B, the decrease has been most marked in Bannu and Kohat; but the figures for 1903 in those districts were swollen abnormally owing to the surrender of large numbers of outlaws who were eventually tried by jirga. The percentage of persons convicted was highest in Bannu, where it rose from 47 to 69 per cent. Regarding the manner in which Councils of Elders discharged their difficult and somewhat invidious functions during the past year the District Magistrate of Bannu writes:—

"Granted that due care has been exercised in the selection of cases for disposal under the Frontier Crimes Regulation, jirgas have also been doing their duty. Generally speaking my experience during the past year of the manner in which the leading men of the district have recognized their responsibilities when employed as members of jirgas has been distinctly satisfactory."

In Peshawar, where the people are peculiarly addicted to the reprehensible practice of falsely incriminating innocent relations of the real offenders, the percentage of persons convicted shows a marked improvement from 27 to 45 per cent.

SESSIONS COURTS.

Work of Sessions Courts.

17. The amount of criminal business disposed of by the two Sessions Courts of this Province will appear from the following table:—

Sessions Court.	*Sessions cases.*		*Criminal appeals.*		*Applications for revision.*	
	1903.	1904.	1903.	1904.	1903.	1904.
Peshawar	55	44	298	374	123	143
Derajat	30	19	347	268	30	14

Although the Peshawar Division comprises only two districts as against three in the Derajat, the above statistics serve to show up the great inequality between the amount of criminal business to be dealt with in the two Divisions. The average duration of Sessions cases was 27 days in Peshawar: in the Derajat, however, it rose from 37 to 51 days. The Sessions Judge ascribes this rise to the circumstance that, just as a Sessions had been completed at Bannu and Kohat, fresh cases were committed from those districts, and these had necessarily to stand over to the next Sessions.

The average duration of criminal appeals was 13 days in Peshawar and 12 days in the Derajat.

JUDICIAL COMMISSIONER'S COURT.

Work in Judicial Commissioner's Court.

18. The following statement shows the criminal business disposed of in this Court during the past two years :—

Year.	*Murder references.*		*Appeals.*		*Revisions.*	
	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
1903	26	27	155	188	115	176
1904	19	19	127	141	114	161

Capital sentences passed by Courts of Session were confirmed in the case of 13 persons and commuted in the case of 4 persons: one man was acquitted, and one died while his appeal was still pending. In addition to the above, 4 murder references were received from trans-frontier Political Agencies: in two of these cases the capital sentence was confirmed, and in the other two cases it was commuted. Seven appeals from those Agencies were also disposed of during the year. The average duration of criminal appeals in this Court was 34 days.

Inspections.

19. The Judicial Commissioner inspected the Courts of 2 Additional District Magistrates, 1 Sub-Divisional Officer in charge of an Outpost, 2 Assistant Commissioners and 5 Extra Assistant Commissioners in different districts of the Province during the year.

GENERAL.

Procedure.

20. Sessions Judges and District Magistrates called for and examined the records of 144 and 797 decided cases respectively with a view to satisfying themselves of the correctness of the procedure followed by Subordinate Courts.

District Reports.

21. Of the district reports, that submitted from Bannu was much the best: the Kohat report was good, while that received from Hazara was very meagre. In connection with a deputation of leading Wazirs, who waited on him recently and expressed dissatisfaction with the manner in which offences against marriage laws were dealt with by the local Courts, Captain Blakeway, the District Magistrate of Bannu, has raised an interesting question regarding the appointment of Kazis for the registration of marriages among Muhammadans. This question, however, will be submitted separately for the consideration of the Local Government.

C. E. F. BUNBURY,

Judicial Commissioner, N.-W. F. Province.

(Imperial.)

JUDICIAL STATEMENT No. 1—(CIVIL AND CRIMINAL).

Statement showing the number of Judicial Divisions and the number of Officers exercising Appellate or Original Jurisdiction in the North-West Frontier Province on the last day of the year 1904, *with the cost of tribunals.*

Name of Province.		Area in square miles.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	Total Number of Officers exercising Original or Appellate Jurisdiction.					Total number of Cases decided.				Total receipts of the Courts.	Total charges of the Courts.	Remarks.
							Judges of Chief Court of Province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of Districts.	Judges of District Courts other than Chief Courts.	Judges of other subordinate Courts.	*Original.* Regular.	*Original.* Miscellaneous.	*Appeals.* Regular.	*Appeals.* Miscellaneous.			
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
																Rs.	Rs.	
N.W. FRONTIER PROVINCE.																		
Territory subject to the High Court.	Civil ...	13,197	2,050,724	2	5	16	1	2	4	28	31	22,632	4,680	1,541	159	3,17,285	8,69,629	
	Criminal ...			2	5	16	1	2	5	31	64	12,406	9,031	1,220	87			
	Revenue ...			...	...	...	...	...	...	...	...	...	...	...	...			
Territory not subject to the High Court.	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Criminal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Revenue ...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	

Grades of Judicial Officers.		Europeans.	Natives.
Officers exercising both Original and Appellate jurisdiction.	High Court Judges ...	1	...
	Divisional Judges ..	2	...
	District Judges ...	4	...
	Additional Judges ...	...	...
	Subordinate Judges ...	1	...
Officers exercising Original jurisdiction only.	Small Cause Court Judges	2	...
	Munsifs ...	...	6

(Imperial.)

JUDICIAL STATEMENT No. 2—(CRIMINAL).

Statement of Offences reported and of Persons tried, convicted and acquitted of each class of offence in the North-West Frontier Province in the year 1904.

DESCRIPTION OF OFFENCE.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	NUMBER OF PERSONS					REMARKS.
				Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another Province.	Remaining under trial	
1	2	3	4	5	6	7	8	9	10
Offences against the State, Chapter VI of the Indian Penal Code	2	2	2	11	6	5	...	...	
Do. relating to the Army and Navy, Chapter VII	1	1	1	1	1	...	...	...	
Do. against the public tranquillity, Chapter VIII	203	147	154	1,280	487	708	2	113	Rs. 14 awarded under Section 250, Cr. P. C.
Do. by or relating to public servants, Chapter IX	13	7	10	14	4	10	...	...	
Contempts of the lawful authority of public servants, Chapter X	206	190	189	310	131	174	...	5	
False evidence and offences against public justice, Chapter XI	158	131	133	216	103	108	...	5	Rs. 50 awarded under Section 250, Cr. P. C.
Offences relating to coin and Government stamps, Chapter XII	26	18	15	21	9	12	...	...	
Do. do. to weights and measures, Chapter XIII	5	5	6	10	3	7	...	...	
Do. affecting the public health, safety, convenience, decency and morals, Chapter XIV ...	51	36	33	46	22	23	...	1	Rs. 50 awarded under Section 250, Cr. P. C.
Do. relating to religion, Chapter XV	18	12	12	37	27	7	...	3	
THE HUMAN XVI. Offences affecting life	218	184	209	510	236	195	1	78	
Attempt	85	56	51	97	58	34	1	4	
Causing of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births.	18	9	4	7	5	...	...	2	

Offences affecting body, Chapter	Hurt	2,654	1,673	1,611	4,048	3,216	765	3	74	Rs. 221-8 awarded under Section 250, Cr. P. C.
	Wrongful restraint and wrongful confinement	102	60	64	178	146	32	...	...	
	Criminal force and assault	687	437	446	1,050	883	151	...	11	Rs. 43 awarded under Section 250, Cr. P. C.
	Kidnapping, forcible abduction, slavery and forced labour	69	32	35	72	38	23	...	6	Rs. 10 awarded under Section 250, Cr. P. C.
	Rape	23	7	11	15	8	7	...	...	
	Unnatural offence	47	30	35	49	17	31	...	1	
Offences against property, Chapter XVII.	Theft	1,420	912	622	1,137	581	519	1	36	Rs. 210-8 awarded under Section 250, Cr. P. C.
	Extortion	21	7	8	22	18	4	...	...	Rs. 10 awarded under Section 250, Cr. P. C.
	Robbery and dacoity	133	60	54	148	70	71	...	7	
	Attempt	25	16	4	28	26	2	...	...	
	Criminal misappropriation of property	62	41	41	68	42	24	...	2	
	Criminal breach of trust	302	142	141	168	119	45	...	4	Rs. 75 awarded under Section 250, Cr. P. C.
	Receiving of stolen property	278	229	232	361	137	219	...	5	Rs. 79 awarded under Section 250, Cr. P. C.
	Cheating	169	82	86	138	99	38	...	1	Rs. 32 awarded under Section 250, Cr. P. C.
	Fraudulent deeds and disposition of property	32	29	31	102	77	21	...	4	
	Mischief	742	460	440	1,198	1,018	152	...	28	Rs. 164 awarded under Section 250, Cr. P. C.
	Criminal trespass	1,643	1,150	700	1,678	1,273	346	2	57	Rs. 183 awarded under Section 250, Cr. P. C.
Offences relating to documents and to trade or property marks, Chapter XVIII		16	13	13	17	11	6	...	...	
Criminal breach of contracts of service, Chapter XIX		3	2	1	1	...	1	...	...	
Offences relating to marriage, Chapter XX		626	348	344	773	637	118	...	18	Rs. 189 awarded under Section 250, Cr. P. C.
Defamation, Chapter XXI		14	12	11	18	12	3	...	3	
Criminal intimidation, insult and annoyance, Chapter XXII		284	195	126	315	293	16	...	6	Rs. 17 awarded under Section 250, Cr. P. C.
	Total	10,356	6,744	5,935	14,144	9,788	3,872	10	474	Rs. 1,348 awarded under Section 250, Cr. P. C.
Offences under Special and Local Laws		7,603	6,503	6,556	13,643	4,495	9,083	3	62	Rs. 45 awarded under Section 250, Cr. P. C.
	Grand Total	17,959	13,247	12,491	27,787	14,283	12,955	13	536	Rs. 1,393 awarded under Section 250, Cr. P. C.

(Imperial.)

JUDICIAL STATEMENT No. 2 A.—(CRIMINAL).

Statement of Offences reported and of Persons tried, convicted and acquitted of each class of offence in the North-West Frontier Province in the year 1904.

DESCRIPTION OF OFFENCE.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	NUMBER OF PERSONS					REMARKS.
				Under trial during the year, including pending from previous year.	Acquitted or discharged	Convicted.	Died, escaped or transferred to another Province.	Remaining under trial.	
1	2	3	4	5	6	7	8	9	10
Offences under Local and Special Laws	...	...	...	...	...	...	...	...	
Proceedings under the Code of Criminal Procedure	2,809	1,977	2,638	5,533	2,638	2,877	1	17	
Breach of Laws relating to—									
Arms, ammunition and Military stores, Act XI of 1878	275	232	245	306	74	226	1	5	Rs. 15.
Canals, Act VIII of 1873	150	50	42	99	77	22	...	...	„ 12.
Cantonments, Military, Act III of 1880	523	523	523	891	282	607	...	2	„ 13.
Cattle-trespass, Act I of 1871	179	90	83	217	189	28	...	...	
City Chaukidars, Act XX of 1856	...	...	...	...	...	...	...	...	
Code of Civil Procedure, Act XIV of 1882	...	...	...	...	...	...	...	...	
Companies Act, Act VI of 1882	...	...	...	...	...	...	...	...	
Contract workmen, Act XIII of 1859	26	22	22	54	49	5	...	...	
Contract by workmen on Railways and other Public Works, Act IX of 1870 ...	...	...	...	...	...	...	...	...	
Criminal tribes and Eunuchs, Act XXVII of 1871	...	...	...	...	...	...	...	...	
Emigration, Act VII of 1871	...	...	...	...	...	...	...	...	
Excise on spirits and drugs, Act XXII of 1881 and Act XVI of 1833	22	20	21	41	...	41	...	...	
Factories, Act XV of 1881	...	...	...	...	...	...	...	...	
Farcy and Glanders, Act XIII of 1899	...	...	...	...	...	...	...	...	
Ferries, Act XXVII of 1878	1	1	1	1	...	1	...	...	
Foreigners, Act III of 1864	...	...	...	...	...	...	...	...	
Forest, Act VII of 1878 and Act II of 1879	129	128	124	346	73	273	...	...	
Gambling, Act III of 1867	35	33	39	217	107	86	...	24	
Hackney and Stage Carriages, Act XVI of 1861 and Act XIV of 1879	247	247	247	287	47	238	...	2	
License Act, Act II of 1878	...	...	...	...	...	...	...	...	
Marriages, Christian, Act XV of 1872	...	...	...	...	...	...	...	...	
Municipalities, Act IV of 1873 and Act XX of 1891	234	228	228	354	102	252	...	...	
Murderous outrages, Act XXIII of 1867 and Act IX of 1872	...	...	...	...	...	...	...	...	

Mutiny Act, Act VII of 1867	...	...	...	...	...	...	...	...	...	...	...	
Opium, Act I of 1878	...	...	...	...	27	27	30	36	13	23	...	
Pleaders, Act XVIII of 1879	...	...	...	...	...	...	...	...	...	...	...	
Police, Act V of 1861	...	...	...	...	1,051	1,051	1,056	1,267	278	988	...	1
Post Office, Act VI of 1898	...	...	...	...	2	2	2	2	...	2	...	
Printing Presses, Act XXV of 1867	...	...	...	...	...	...	...	...	...	...	...	
Prison, Act XXVI of 1870	...	...	...	...	...	...	...	...	...	...	...	
Prostitutes, Act III of 1880	...	...	...	...	...	...	...	...	...	...	...	
Punjab Courts Act, Act XVIII of 1884	...	...	...	...	...	...	...	...	...	...	...	
Punjab Laws Act, Act IV of 1872	...	...	...	...	220	217	218	475	122	345	...	8
Railways, Act IV of 1879 and Act IX of 1890	...	...	...	...	49	45	45	77	15	62	...	
Registration, Act III of 1877	...	...	...	...	1	1	1	5	2	3	...	
Salt and saltpetre, Act XII of 1882	...	...	...	...	27	27	28	51	10	41	...	
Stamps, Act II of 1899	...	...	...	...	12	11	11	12	5	7	...	Rs. 5.
Telegraph, Act Iof 1873 and Act XIII of 1885	...	...	...	...	9	7	...	...	...	...	...	
Treasure Trove, Act VI of 1878	...	...	...	...	2	2	2	2	1	1	...	
Vagrancy, European, Act XI of 1874	...	...	...	...	...	...	...	...	...	...	...	
Wandering and dangerous lunatics, Act XXXVI of 1858			...	...	...	...	...	...	...	...	...	
Explosives Act, Act IV of 1884	...	...	...	...	...	...	...	...	...	...	...	
Cruelty to animals, Act XI of 1890	...	...	...	...	29	29	29	33	7	26	...	
Births and deaths	...	...	...	...	1	1	1	1	...	1	...	
Fisheries, Act IV of 1897	...	...	...	...	1	1	1	3	...	3	...	
Border Military Police, Act IV of 1904			...	...	2	2	2	5	1	4	...	
				Total	6,033	4,944	5,009	10,315	4,092	6,162	2	59 Rs. 45.
Frontier Regulations.												
Regulation VII of 1901, Sections 3, 5 and 6			...	...	1	1	1	1	...	1	...	
Do. III „ „ 22 and 23			...	...	26	26	24	20	1	19	...	
Do. „ „ „ 24 and 25			...	...	1	1	1	2	...	2	...	
Do. „ „ Section 26			...	...	4	3	3	5	...	5	...	
Do. „ „ „ 29			...	...	10	8	9	16	...	16	...	
Do. „ „ „ 30			...	...	32	32	34	36	9	27	...	
Do. „ „ „ 33			...	...	9	9	9	20	1	19	...	
Do. „ „ „ 34			...	...	1	1	1	1	...	1	...	
Do. „ „ „ 35			...	...	27	27	27	127	...	127	...	
Do. „ „ „ 36			...	...	156	152	157	210	33	176	1	...
Do. „ „ „ 37			...	...	28	27	29	31	6	24	...	1
Do. „ „ Sections 40 and 41			...	...	1,130	1,127	1,105	2,496	305	2,189	...	2
Do. „ „ Section 43			...	...	1	1	1	1	...	1	...	
Do. „ „ „ 46			...	...	144	144	146	362	48	314	...	
				Total	1,570	1,559	1,547	3,328	403	2,921	1	3

(Imperial.)

JUDICIAL STATEMENT No. 3—(CRIMINAL).

Statement of Miscellaneous Proceedings under the Criminal Procedure Code in the North-West Frontier Province during the year 1904.

NATURE OF PROCEEDINGS.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	REMARKS.
1	2	3	4	5	6
1. Proceedings against witnesses under Chapter VI and Section 485.	...	...	...	...	
2. Proceedings under Chapter VIII to prevent breach of the peace and Sections 40 and 45, Frontier Crimes Regulation.	2,660	7,782	2,795	4,991 *	* Includes 123 persons under Section 106.
3. Proceedings under Chapter VIII, Security for good behaviour, and Section 39, Frontier Crimes Regulation.	642	712	196	512	
4. Proceedings against local nuisances, Chapter X	9	25	21	4	
5. Possession, Chapter XII	149	416	268	148	
6. Frivolous or vexatious accusations summarily dealt with under Chapter XX, Section 250.	141	145	...	145	
7. Non-attendance of Jurors or Assessors, Chapter XXIII, Section 332.	...	...	...	...	
8. Maintenance, Chapter XXXVI	296	296	229	65	
9. Forfeiture of bail or recognizance under Chapter XLII ...	97	182	68	114 †	† Includes cases under Section 43, Frontier Crimes Regulation.
10. Proceedings under Chapter XLVI, Section 563, against convicted offenders released under Section 562.	11	17	11	6	
Total ...	4,005	9,575	3,588	5,985	

(Imperial.)

JUDICIAL STATEMENT No. 4—(CRIMINAL).

Statement showing the General Result of Criminal trials in the Tribunals of various classes in the North-West Frontier Province in the year 1904.

CLASS OF COURTS.	Total number of persons under trial.	PERSONS WHOSE CASES WERE DISPOSED OF.										Committed or referred.	Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.	REMARKS.
		Died, escaped or transferred to another province.	Discharged or acquitted.	CONVICTED.													
				On regular trial.				On summary trial									
				Sentence passed.	Released on probation, Section 562, Criminal Procedure Code.	*Youthful offenders dealt with under Section 31, Act VIII of 1897.*		Sentence passed.	Released on probation, Section 562, Criminal Procedure Code.	*Youthful offenders dealt with under Section 31, Act VIII of 1897.*							
						Discharged after admonition.	Delivered to parent or guardian, &c.			Discharged after admonition.	Delivered to parent or guardian, &c.						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Village officers	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates. Special Magistrates under Section 14	70	...	18	52	...	...	...	...	...	...	...	...	...	38	13	135	
Subordinate Magistrates. Honorary Magistrates sitting singly	1,826	1	1,123	676	...	...	...	...	...	...	...	5	21	798	10	2,112	
Subordinate Magistrates. Stipendiary ditto ...	21,216	7	12,156	7,629	14	...	...	831	1	...	...	123	452	9,014	13	23,908	
Subordinate Magistrates. Benches of Magistrates ...	1,137	...	378	249	...	...	...	501	...	...	...	...	9	925	4	1,170	
District and Divisional Magistrates—Cases referred under Sections 347 & 349, C. P. C.	11	...	1	10	...	...	...	...	...	...	...	...	...	11	1	...	
Chief Magistrates of Districts ...	3,545	4	574	2,888	2	...	...	27	...	...	...	7	43	1,530	16	736	
Courts of Sessions	145	...	32	58	...	...	...	...	...	...	...	* 44	11	71	31	822	
Superior Courts	19	1	1	17	...	...	...	...	...	...	...	...	...	19	22	...	
Total ...	27,969	13	14,283	11,579	16	...	...	1,359	1	...	...	182	536	12,406	14	28,883	

* Includes 25 persons referred to Councils of Elders.

(Imperial.)

JUDICIAL STATEMENT No. 5—(CRIMINAL).

Statement showing the Punishments inflicted by the various Criminal Tribunals in the North-West Frontier Province in the year 1904.

Class of Tribunal.	Persons sentenced to								Persons ordered to find or give security or recognizance to keep the peace, or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.	Detail of Punishment.															Number of boys whose sentences were commuted to detention in a Reformatory School.
				Imprisonment.							Fine.									Imprisonment.					Whipped.			
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.			Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	15 days and under.	6 months and under.	2 years and under.	7 years and under.	Above 7 years.	10 stripes and under.	20 stripes and under.	30 stripes and under.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
Village Officers	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. Special Magistrates under Section 14.	...	...	...	18	...	...	47	...	...	...	39	8	...	...	...	...	394	324	14	4	14	...	...	...	...	...	...	...
Subordinate Magistrates. Honorary Magistrates sitting singly	...	...	...	93	...	...	190	2	452	23	114	72	2	2	...	...	2,614	2,188	347	15	92	12	...	...	...	...	2	...
Subordinate Magistrates. Stipendiary Magistrates sitting singly.	...	...	...	1,869	73	...	3,815	173	2,814	66	3,096	672	52	24	1	...	42,578	34,739	3,952	387	1,172	453	1	...	36	16	85	...
Subordinate Magistrates. Benches of Magistrates ...	...	...	...	42	8	...	697	9	...	...	687	10	...	...	...	...	1,531	1,500	22	15	35	...	...	...	...	3	6	...
District and Divisional Magistrates—Cases referred under Sections 347 & 349, C. P. C.	...	...	...	2	...	...	2	7	...	...	...	2	...	...	...	...	52	52	12	...	2	...	...	...	...	3	4	...
Chief Magistrates of District ...	...	...	...	645	6	...	452	88	2,232	7	228	100	54	52	12	6	50,770	42,810	5,827	10	154	132	249	108	2	26	56	...
Courts of Sessions	...	20	...	31	...	...	...	...	7	3	...	...	...	...	...	...	...	...	...	1	10	8	12	3	...	...	...	...
Superior Courts	13	4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total ...	13	24	...	2,700	87	...	5,233	* 279	5,505	102	4,164	864	108	78	13	6	97,939	81,613	10,174	432	1,479	605	262	111	38	83	153	...

* NOTE.—Includes 39 punished under Frontier Crimes Regulation; 176 persons were ordered to remove under Section 36, Frontier Crimes Regulation; 17 persons were released on probation. In 5 cases fulfilment of contract was ordered under Act XIII of 1859.

(Imperial)

JUDICIAL STATEMENT No. 5 A—(CRIMINAL).

Statement showing the particulars of whippings inflicted by the Criminal Tribunals during the year 1904.

PART I.

SHOWING WHIPPINGS INFLICTED UNDER SECTIONS 2 AND 3, ACT VI, 1864, IN LIEU OF OTHER PUNISHMENTS.

OFFENCES FOR WHICH AWARDED.	NUMBER OF STRIPES AWARDED.												
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.		TOTAL.
	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	
IN LIEU OF OTHER PUNISHMENTS. (Sections 2 and 3, Act VI, 1864.)													
1. Theft as defined in Section 378, I. P. C.	2	...	13	...	17	...	13	...	4	2	12	...	63
1. Theft as defined in „ 380, „	...	...	2	...	4	...	1	...	5	...	5	...	17
1. Theft as defined in „ 381, „	3	...	1	...	4	...	1	...	...	...	6	...	15
1. Theft as defined in „ 382, „	...	...	...	...	...	...	...	...	...	...	...	...	...
2. Extortion as defined in „ 388, „	...	...	...	...	...	...	...	...	...	...	...	...	...
2. Extortion as defined in „ 389, „	...	...	...	...	...	...	...	...	...	...	...	...	...
3. Dishonestly receiving stolen property as defined in „ 411, „	2	...	5	...	1	...	5	...	4	...	9	...	26
3. Dishonestly receiving stolen property as defined in „ 412, „	...	...	...	...	...	...	...	...	...	...	...	...	...
4. Lurking house-trespass as defined in Section 443, I. P. C.	...	...	...	...	...	...	...	...	...	...	...	...	...
5. Lurking house-trespass by night as defined in Section 444, I. P. C.	...	...	...	...	...	...	...	...	3	...	8	...	11
6. House-breaking as defined in Section 446, I. P. C.	...	...	...	...	...	...	2	...	2	...	8	...	12
7. House-breaking by night as defined in Section 445, I. P. C.	...	...	...	...	...	...	1	...	...	...	...	...	1
8. Offence under Section 52 of Prisons Act, 1894	...	...	...	...	...	...	...	...	...	...	...	...	...
9. Ditto 147, I. P. C.	...	...	1	...	...	...	...	...	...	...	...	...	1
10. Ditto 177, „	...	...	...	...	1	...	...	...	...	...	...	...	1
11. Ditto 182, „	...	...	...	...	1	...	...	...	...	...	...	...	1
12. Ditto 457, „	...	...	...	...	3	...	1	...	...	...	8	...	12
13. Ditto 377, „	...	...	...	...	1	...	...	...	...	...	...	...	1
14. Ditto 326, „	...	...	...	...	...	...	1	...	...	...	...	...	1
15. Ditto 454, „	...	...	1	...	1	...	...	...	...	...	...	...	2
16. Ditto 354, „	...	...	...	...	...	...	...	...	...	...	1	...	1
17. Ditto 328, „	...	...	...	...	2	...	...	...	...	...	...	...	2
18. Ditto 224, „	...	...	1	...	...	...	...	...	...	...	...	...	1
19. Ditto 429, „	...	...	...	...	1	...	...	...	...	...	...	...	1
Total	7	...	24	...	36	...	25	...	23	2	52	...	169

JUDICIAL STATEMENT No. 5 A.—(CRIMINAL)—*continued.*

PART II.

SHOWING WHIPPINGS INFLICTED IN ADDITION TO OTHER PUNISHMENTS, SECTIONS 3 AND 4, ACT VI, 1864.

OFFENCES FOR WHICH AWARDED.	NUMBER OF STRIPES.						
	5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.	TOTAL.
IN ADDITION TO OTHER PUNISHMENTS.							
(Sections 3 and 4).							
A.—SECTION 3.							
1. Theft as defined in ... Section 378, I. P. C.	...	2	2	1	4	17	26
" 380, "	...	...	...	...	...	...	...
" 381, "	...	...	1	...	...	...	1
" 382, "	...	...	...	...	...	...	...
2. Extortion as defined in " 388, "	...	...	...	...	...	...	...
" 389, "	...	...	...	...	...	...	...
3. Dishonestly receiving stolen property as defined in " 411, "	...	...	2	4	3	1	10
" 412, "	...	...	...	...	...	...	...
4. Lurking house-trespass as defined in Section 443, I. P. C. ...	...	...	...	...	...	...	...
5. Ditto by night as defined in Section 454, I. P. C. ...	...	...	...	1	...	1	2
6. House-breaking as defined in Section 457, I. P. C. ...	...	1	...	...	...	1	2
7. Ditto by night as defined in Section 458, I. P. C.	...	...	...	...	...	4	4
8. Offence under Section 52 of Prisons Act, 1894	...	...	...	...	...	...	...
9. Ditto 325, I. P. C.	...	...	...	...	...	1	1
10. Ditto 307, "	...	...	...	...	...	1	1
B.—SECTION 4.							
1. False evidence as defined in Section 193, I. P. C. ...	...	...	...	...	...	...	...
" 194, " ...	...	...	...	...	...	...	...
" 195, " ...	...	...	...	...	...	...	...
2. False charge of unnatural offence as defined in " 211, " and " 377, " ...	...	...	...	...	...	...	...
3. Assault as defined in Section 354, I. P. C.	...	...	...	...	...	...	...
4. Rape as defined in Section 375, I. P. C.	...	...	...	...	1	4	5
5. Unnatural offence as defined in Section 377, I. P. C. ...	...	...	...	...	1	6	7
6. Robbery as defined in Section 390, I. P. C.	...	...	...	...	...	...	...
7. Dacoity as defined in Section 391, I. P. C.	...	...	...	...	...	...	...
8. Attempt at robbery as defined in Section 393, I. P. C. ...	...	...	...	...	...	...	...
9. Hurt in committing robbery as defined in Section 394, I. P. C.	...	...	...	...	...	1	1
10. Receiving stolen property as defined in Section 403, I. P. C.	...	...	...	...	...	...	...
11. Forgery as defined in Section 463, I. P. C.	...	...	...	...	...	...	...
" 466, "	...	...	...	...	...	...	...
" 467, "	...	...	...	...	...	...	...
" 468, "	...	...	...	...	...	...	...
" 469, "	...	...	...	...	...	...	...
12. Lurking house-trespass as defined in Section 443, I. P. C. ...	...	...	...	...	...	...	...
13. Ditto by night as defined in " 444, " ...	...	...	...	1	...	...	1
14. House-breaking as defined in Section 445, I. P. C. ...	...	...	...	1	...	1	2
15. Ditto by night as defined in Section 446, I. P. C.	...	...	...	3	...	...	3
Total ...	...	3	5	11	9	38	66

JUDICIAL STATEMENT No. 5 A.—(CRIMINAL)—*concluded.*

PART III.

SHOWING WHIPPINGS INFLICTED UNDER SECTION 5, ACT VI, 1864, ON JUVENILES FOR OFFENCES OTHER THAN THOSE SPECIFIED IN PARTS I AND II.

OFFENCE.	STRIPES.												TOTAL.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.		
	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	
Section 130, Railway Act, 1890	...	...	...	...	1	...	...	...	...	...	...	...	1
„ 304, Indian Penal Code	...	...	...	...	1	...	...	...	...	...	...	...	1
„ 324, „ „ „	...	...	...	...	...	...	...	...	...	...	1	...	1
„ 379, „ „ „	...	...	...	...	1	...	...	...	...	...	...	...	1
„ 409, „ „ „	...	...	...	...	1	...	...	...	...	...	...	...	1
Total ...	...	...	...	...	4	...	...	...	...	...	1	...	5

PART IV.

SHOWING THE RELATIVE NUMBER OF TIMES WHIPPING WAS AWARDED AS COMPARED WITH OTHER PUNISHMENTS IN CASES IN WHICH WHIPPING MIGHT HAVE BEEN AWARDED.

PUNISHMENTS.	Number.	REMARKS.
1. Total number of whippings awarded ...	240	
2. Total number of other punishments in cases in which whipping might have been awarded.	1,309	
3. Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2).	1,549	
4. Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3).	16·14	

(Imperial.)

JUDICIAL STATEMENT No. 6—(CRIMINAL).

Statement showing the Result of Appeal and Revision in Criminal Cases in the North-West Frontier Province in the year 1904.

TRIBUNALS.	NUMBER OF PERSONS. Total number of appellants and applicants for revision before the Court.	Died, escaped, transferred to another Province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.	Average number of days during which each appeal lasted.	REMARKS. (Showing number of persons dealt with under Section 106 (3) of the Code or under Section 8, clause (2), of the Reformatory Schools Act.)
1	2	3	4	5	6	7	8	9	10	11	12	13	14
APPEAL.													
To Chief Magistrates of Districts	728	1	122	302	17	113	164	...	5	...	4	11	
„ Courts of Sessions	898	...	336	209	8	174	137	...	6	...	28	9	
„ Superior Courts { by persons convicted ... / by Government from judgments of acquittal ... ... }	147	2	23	52	1	34	29	...	...	...	6	34	
Total ...	1,773	3	481	563	26	321	330	...	11	...	38	14	
REVISION.													
By Chief Magistrates of Districts	203	...	165	...	...	...	...	...	29	8	1	14	
„ Courts of Sessions	157	...	137	...	...	...	...	...	2	17	1	9	
„ Superior Courts	170	...	99	4	...	26	35	...	5	...	1	14	
Total ...	530	...	401	4	...	26	35	...	36	25	3	12	
GRAND TOTAL ...	2,303	3	882	567	26	347	365	...	47	25	41	13	

(Imperial.)

JUDICIAL STATEMENT No. 13—(CRIMINAL).

Statement showing the use of Juries and Assessors in the Criminal Courts in the North-West Frontier Province in the year 1904.

CLASS OF COURTS IN WHICH JURORS OR ASSESSORS ARE EMPLOYED.	Established or average number of Jury or Assessors in each case and prescribed qualifications.	NUMBER OF ACCUSED PERSONS IN JURY TRIALS.				NUMBER OF ACCUSED PERSONS IN TRIALS WITH ASSESSORS.				REMARKS.
		Tried.	*As to whom the Judge*			Tried.	*As to whom the Judge*			
			Approved verdict.	Did not approve of verdict.	Made reference under Section 307, Criminal Procedure Code.		Agreed with all the Assessors.	Differed from one or more, but not from all the Assessors.	Differed from all the Assessors.	
1	2	3	4	5	6	7	8	9	10	11
Magistrates' Courts under Chapter X, C. P. C.—Jurors.	...	...	...	...	...	...	...	...	...	
Courts of Sessions { Jurors	...	...	...	...	...	...	...	...	...	
Courts of Sessions { Assessors	3	...	...	...	...	98	60	3	35	
High Court, Original (Criminal) Jurisdiction—Jurors	...	...	...	...	...	...	...	...	...	

Provincial Appendix A.

Statement of Serious Offences under the Indian Penal Code admitted to have occurred during 1904 *in each district of the North-West Frontier Province.*

Offences.	Section of Indian Penal Code.	Offences admitted to have occurred.								Remarks.
		Peshawar.	Hazara.	Kohat.	Bannu.	Dera Ismail Khan.	Total 1904.	Total 1903.	Total 1902.	
Rioting	147, 148	55	12	31	17	4	119	109	108	
Murder	302	70	14	30	23	4	141	172	180	
Do. attempt	307	31	4	12	5	3	55	48	55	
Culpable homicide ...	304	13	2	3	4	3	25	44	33	
Do. do. attempt ...	308	6	...	4	...	...	10	...	...	
Hurt with aggravation ...	325 to 331, 333	86	74	32	45	16	253	273	254	
Kidnapping	363 to 369	14	5	3	9	1	32	28	31	
Rape	376	1	3	2	...	1	7	8	13	
Unnatural offence ...	377	15	4	5	3	3	30	26	17	
Theft	379 to 382	338	143	180	129	122	912	962	1,058	
Robbery	392 to 394	13	...	12	3	11	39	47	72	
Dacoity with murder ...	396	2	...	8	...	1	11	11	10	
Do. other cases ...	395, 397, 398, 400, 401, 402	14	5	13	...	3	35	41	59	
Receiving stolen property ...	411 to 414	104	28	33	32	32	229	268	227	
Mischief with aggravation ...	429 to 433	58	42	46	32	10	188	190	214	
Criminal trespass resulting in death or grievous hurt.	459, 460	4	1	...	1	1	7	19	10	
Criminal trespass for commission of other serious offences.	454, 457, 458	284	121	138	75	99	717	720	908	
Criminal trespass other cases ...	453, 456	3	4	3	...	3	13	7	11	
Total 1904 ...	...	1,111	462	555	378	317	2,823	...	...	
Total 1903 ...	...	1,110	486	588	414	375	...	2,973	...	
Total 1902 ...	...	1,198	537	558	544	423	...	...	3,260	

Provincial Appendix B.

Statement showing Criminal References to Councils of Elders under the Frontier Crimes Regulation and persons disposed of after such trial in each district during the years 1902, 1903 *and* 1904.

District.	References to Councils of Elders under Section 11, Frontier Crimes Regulation, disposed of.			Number of persons						Percentage of persons convicted.			Remarks.
				Tried.			Convicted.						
	1902	1903	1904	1902	1903	1904	1902	1903	1904	1902	1903	1904	
Peshawar ...	71	79	77	197	362	289	71	101	130	36	27	45	
Hazara ...	40	33	31	105	190	103	47	135	60	45	71	58	
Kohat ...	30	119	26	128	238	61	20	130	34	16	50	56	
Bannu ...	85	104	27	292	272	70	105	128	48	36	47	69	
Dera Ismail Khan ...	14	20	28	45	60	95	24	33	30	53	55	32	
Total ...	240	355	189	767	1,122	618	267	517	302	35	46	49	

REPORT

ON THE

ADMINISTRATION OF CRIMINAL JUSTICE

IN THE

NORTH-WEST FRONTIER PROVINCE

DURING THE YEAR

1905.

PUBLISHED BY AUTHORITY.

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1906.

REPORT ON THE ADMINISTRATION OF CRIMINAL JUSTICE IN THE NORTH-WEST FRONTIER PROVINCE DURING THE YEAR 1905.

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Proceedings of the Hon'ble the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province, No. 1450-G., dated 31st August 1906.

READ—

The Report on the Administration of Criminal Justice in the North-West Frontier Province for the year 1905.

REMARKS.—In spite of an increase in the number of murders, robberies and dacoities committed in 1905 (for a large proportion of which British subjects were not responsible), the total number of serious offences admitted to have occurred was considerably smaller than in any former year. The Courts of the Province again proved themselves generally well able to cope with their duties. Disposal was speedy; the proportion of cases in which a modification of sentence on appeal was necessary was not unduly high, and the number of persons left awaiting trial at the close of the year was creditably small. The ordinary courts were, of course, the agency by which the bulk of the criminal work of the Province was disposed of, but the labours of the bench of Honorary Magistrates in Peshawar City, of Nawab Arbab Muhammad Husain Khan of Landi in the Peshawar District, and of Raja Jahandad Khan, C.I.E., in the Hazara District are deserving of honourable mention.

2. In reviewing former reports the Chief Commissioner has repeatedly expressed his opinion with regard to the utility of Sections 203 and 250 of the Code of Criminal Procedure, and it is satisfactory to notice that the subordinate courts generally have had freer recourse to these most valuable provisions of the law. The Chief Commissioner has also more than once pointed out how suitable and salutary a form of punishment is in many cases provided by the Whipping Act. It still appears, however, that the Indian Magistrate has a rooted aversion to the free exercise of the powers provided by this Act.

3. With regard to the preventive sections of the Code of Criminal Procedure and Frontier Crimes Regulation, which are both of necessity much used in frontier districts, Section 107, Code of Criminal Procedure, no doubt provides vexatiously disposed persons with a means of annoying their enemies by dragging them into court. It is difficult for the courts at the outset to distinguish between genuine and vexatious applications under this section. Such complaints cannot legally be referred to the Police for investigation under Section 202, Code of Criminal Procedure, and the authors of them cannot legally be punished under Section 250, Code of Criminal Procedure, even when their complaints are proved frivolous. A certain amount of the Magistrates' time is therefore inevitably wasted in enquiring into such cases, and a certain amount of annoyance inevitably results to innocent persons. But on the whole the use of the section much outweighs its abuse.

With reference to Sections 109 and 110, Sir Harold Deane cannot altogether agree with the Judicial Commissioner that the decrease in the number of persons from whom security was taken under these sections is a matter for regret. The Chief Commissioner thinks that so long as crime does not increase, the decrease in the number of persons from whom security is demanded is a legitimate cause for satisfaction.

The preventive sections (40, 41 and 46) of the Frontier Crimes Regulation have also been applied in a large number of cases, and while it may well be doubted whether in all cases in which security was taken such action was really necessary, it is certain that there are many cases, especially in Peshawar and Kohat, in which the taking of security is welcomed by both sides. The existence of the security often affords an excuse to one or other of the parties for failure to act in accordance with the Pathan code of honour and a reply to domestic taunts, which are so fruitful a cause of the violent crime on the frontier.

4. The Chief Commissioner is glad to see that the proportion of serious cases committed for trial by Magistrates to the Courts of Sessions has increased. This may be construed as an indication of the efforts of the Police and Magistrates,

in accordance with the instructions so often impressed upon them, that cases which can be dealt with by the regular courts should not be referred for trial to a council of elders. At the same time until the apathy, and in many cases the direct opposition of the people to the attainment of the ends of justice, give way to active assistance and support of the administration, the Frontier Crimes Regulation provides the only means of dealing with a large amount of violent and brutal crime. In the many cases which have come before him during the year the Chief Commissioner has been glad to notice the great care exercised by the District Magistrates and Assistant District Magistrates in enquiring into cases referred to councils of elders, the disposal of which adds enormously to their work and responsibilities. The councils of elders chosen have generally shown good reasons for their verdicts, and it is satisfactory that there has been no indication that the Police contented themselves with obtaining only as much evidence as would warrant a reference to a council of elders instead of working out cases thoroughly. At the same time the Chief Commissioner hopes to see the proportion of cases dealt with by the regular courts steadily increase and to witness a corresponding diminution in the number of criminal references to councils of elders.

5. The thanks of the Chief Commissioner are due to the Officiating Judicial Commissioner for his administration of the Criminal Courts and for his report.

ORDER.—Ordered, that a copy of the Review be forwarded to the Judicial Commissioner, North-West Frontier Province, for information, and that it be circulated with the Report, and the usual number of copies forwarded to the Government of India, Home Department.

By order of the Hon'ble the Agent to the Governor-General and Chief Commissioner,

E. B. HOWELL,

Assistant Secretary to the Hon'ble the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province.

N.-W. F. P. Govt. Press, Peshawar.—222 S. to C. C.—1-9-06—207.

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Statment of serious offences under the Indian Penal Code admitted to have occurred during 1905 in each district of the North-West Frontier Province.

Provincial Appendix B.

Statment showing the criminal references to Councils of Elders under the Frontier Crimes Regulation in each district during the three years 1903, 1904 & 1905.

No. 491.

FROM

LIEUT.-COL. E. INGLIS, I. A.
Officiating Judicial Commissioner,
North-West Frontier Province,

To

A. H. GRANT, ESQUIRE, I.C.S.,
Secretary to the Hon'ble the Chief Commissioner,
North-West Frontier Province.

Dated PESHAWAR, *the 31st July* 1906.

SIR

I HAVE the honor to submit the Annual Report on the Administration of Criminal Justice in the North-West Frontier Province during the year 1905, together with the statistical tables prescribed by the Government of India.

I have the honor to be,
SIR,
Your most obedient servant,
E. INGLIS,
Judicial Commissioner,
North-West Frontier Province.

134169

Annual Report on the Administration of Criminal Justice in the North-West Frontier Province during the year 1905.

GENERAL REVIEW OF OFFENCES.

1. The number of offences reported (17,958) was one less than in 1904, and is therefore the smallest since the formation of the Province. 72 per cent were reported as true as against 74 per cent in 1904. The following table gives the figures for the two years for each district.

Offences reported and admitted as true.
Judicial Statement No. 2.

District.	Offences reported.		Complaints dismissed *in limine*.		Cases struck off as false.		Offences admitted to have occurred		Cases brought to trial.		Percentage of cases brought to trial and offences admitted.	
	1904	1905	1904	1905	1904	1905	1904	1905	1904	1905	1904	1905
Peshawar	6,677	6,767	628	881	458	457	5,591	5,429	5,294	5,248	94	97
Hazara	3,459	3,323	1,346	1,318	128	98	1,985	1,907	1,834	1,721	92	90
Kohat	2,732	3,110	213	399	262	259	2,257	2,452	2,204	2,178	98	89
Bannu	3,250	3,036	1,003	1,006	74	64	2,173	1,966	2,003	1,807	92	92
Dera Ismail Khan ...	1,841	1,722	542	568	58	47	1,241	1,107	1,156	1,016	93	92
TOTAL ...	17,959	17,958	3,732	4,172	980	925	13,247	12,861	12,491	11,970	94	93

If it were not for the increase of nearly 400 cases in Kohat (an increase however chiefly of cases under Local and Special Laws,) the whole Province would have shown a large decrease in reported crime. It is satisfactory to note that the increase in crime reported in Bannu in 1904 has not continued.

2. The total number of cases summarily dismissed shows a satisfactory increase and the percentage now stands at 29 instead of 26. All districts, except Hazara, share in this increase and the improvement has been greatest in Peshawar. The Judicial Commissioner had occasion in last year's report to note on the small number of cases thus dismissed in that district. There is, however, no danger at present of Magistrates abusing their powers of summary dismissal in any district of the Province and further efforts are still, in my opinion, necessary on the part of the District Magistrates to ensure the Subordinate Magistrates summarily dismissing false and trivial complaints. Of the total number of 4,172 complaints summarily dismissed in the Province, only 432 were referred to the Police prior to dismissal, a satisfactory decrease on the 479 in 1904 and the 748 in the previous year. Bannu alone shows a decrease of 96 cases thus referred to the Police, due to special attention paid to the point by the District Magistrate after receipt of the Judicial Commissioner's remarks on the subject in last year's report. It is not so satisfactory to have to note that in Kohat there was a rise in the number of cases thus referred to the police prior to dismissal.

Complaints dismissed "*in limine*."

925 cases were struck off as false against 980 in 1904.

3. There were thus 12,861 cases admitted to be true against 13,247 in 1904, and of these 11,970 cases were brought to trial against 12,491 in 1904, a decrease of 521 cases, bringing the percentage down to 93 from 94.

Offences admitted and brought to trial.
Judicial Statement No. 2 Cols. 3, and 4.

4. It is satisfactory to find that a somewhat greater use has been made of Section 250 Criminal Procedure Code. Thus in Hazara there has been a great rise in the amount of compensation awarded in cases of frivolous and vexatious complaints, from Rs. 341-8-0 awarded in 1904 to Rs. 2,335-8-0 in 1905. The District Magistrate has not offered any explanation of this increase and it looks as if the maximum amount had been awarded in some big cases to all the accused. In Peshawar the use of Section 250 is still small. Only 18 persons were fined in this way and the total compensation awarded amounted only to Rs. 258. Both in Bannu and Kohat more attention has been paid to this matter.

Compensation under Section 250, Criminal Procedure Code. Judicial Statement No. 2. Col. 10 and No. 3, head 6.

OFFENCES UNDER THE PENAL CODE.

5. Of the total number of 17,958 cases reported 10,183 were under the Indian Penal Code, this is 173 less than in the previous year. Roughly both Hazara and Bannu, each show a decrease of 200 cases while Peshawar a corresponding increase. The following table gives the number of cases reported, admitted and brought to trial in each district during the past three years under the Penal Code.

Offences under the Indian Penal Code. Judicial Statement No. 2.

District.	Year.	Offences reported.	Offences admitted to have occurred.	Offences brought to trial.	Cases ending in conviction	Percentage of convictions to offences.	
						Admitted to have occurred.	Brought to trial.
Peshawar	1903	3,651	2,411	2,047	846	35	41
	1904	3,259	2,279	2,043	831	36	41
	1905	3,470	2,336	2,135	819	35	38
Hazara	1903	2,598	1,314	1,110	410	31	36
	1904	2,542	1,388	1,170	427	32	36
	1905	2,314	1,178	1,009	436	37	43
Kohat	1903	1,389	1,071	994	409	38	41
	1904	1,470	1,051	899	352	33	39
	1905	1,492	1,015	788	348	34	44
Bannu	1903	1,652	1,165	1,101	341	29	30
	1904	1,813	1,322	1,163	307	23	26
	1905	1,619	1,111	952	287	26	30
Dera Ismail Khan ...	1903	1,475	955	871	323	33	37
	1904	1,272	755	663	232	31	35
	1905	1,288	771	683	235	30	18
Total ...	1903	10,765	6,916	6,123	2,329	33	38
	1904	10,356	6,745	5,938	2,149	32	36
	1905	10,183	6,411	5,567	2,125	33	38

Perhaps the most noticeable point is the decrease in the number of cases brought to trial in Kohat where the number of admittedly true cases remained practically the same for the two years. The other point is the low percentage of convictions in Bannu

6. Provincial Appendix A, shows for each district in the Province the number of offences admitted to have occurred under the most important heads of crime.

Serious offences under the I. P. Code, admitted to have occurred, Provincial Appendix A.

In Peshawar there were 80 murders against 70 in 1904 and 25 cases of culpable homicide against 13, but these increases are counterbalanced by a

decrease in the attempts to murder. Practically this head of crime remains about the same, but we find that there have been 10 cases of dacoity with murder against only 2 in 1904. There was a rise in roit cases but a great drop in thefts. In other forms of crime there was little variation.

In regard to murder and similar crime, I am not inclined to pay much attention to the slight variations from year to year. There are so many causes at work to bring about these individual murders that it would be impossible to ascribe any one general reason for an increase or decrease in this form of crime. It should, however, be noted that murders in Peshawar in pursuance of blood feuds have gone up from 6 to 13, murders about women from 30 to 39 and on account of land disputes from 5 to 10. The increases at any rate under the first and last head are of importance in relation to my remarks further on about taking of security. What really seems to me of more importance is any increase in the number of dacoities and in riots. In regard to the dacoities the District Magistrate writes as follows :—

"The serious increase in the number of dacoities calls for special remark. The fact that they were mainly the work of transborder offenders is sufficiently shown by the fact that out of 37 admitted cases (which includes all kinds of dacoity) only 5 cases came into the Courts, and in only one of these was a conviction obtained. The offences were again mainly the work of the Hazar nao gang whose ringleader Jafir met his death in the Bhana Mari dacoity of 22nd December 1905. Their prevention is not a question of Police administration. It can be ensured by only three methods, (1) political action in respect of the tribes concerned; (2) action by villages attacked or threatened; (3) operations of the Border Military Police. No 1 is outside the scope of this report. As regards 2, there has been but one instance this year—that of Kasimi, of a really determined resistance to raiders. The village was granted remission of revenue and the importance of such rewards cannot be over estimated. I hope the armament of frontier villages with rifles will be further extended. As regards 3, my own opinion is that it is physically impossible for the Border Military Police, however advantageously placed, to deal with gangs who move by night, have an excellent system of intelligence and an almost indefinite choice of routes."

In regard to the riots, it seemed to me when trying several cases during the year as Sessions Judge that, until the big men, who really are responsible for many of these riots and who could stop them if they liked, are themselves punished, these riots will not cease. The big men, after having perhaps even fomented the riot, or at any rate done nothing to stop it, manage to evade conviction by leaving the place just as the riot becomes inevitable, most probably going straight to the *thana* to establish their own *alibi*, and to report that unless the police proceed at once to the spot, a riot will take place. The humbler folk, the dependents and "hamsayas" are left to fight it out and perhaps get several years imprisonment for wounding each other. It is the rise in these riot cases, from 49 in 1903, to 55 in 1904 and to 63 in 1905 which seems to me one of the important points in the Peshawar report.

In Hazara the figures do not seem to call for remark though there was an increase in murders and attempts to murder, and it may be noted that 16 out of the 24 murders "arose out of the relationship of the sexes".

In regard to Kohat it must be noted that the increase in reported crime referred to in para. 1 has not been in cases under the Penal Code to any appreciable extent. Roughly speaking crime under the Penal Code has remained the same in Kohat though there was an increase in burglaries. So too in regard to Bannu, there was a decrease in the total of offences under the serious heads, but the variations under each head seem to me too small to call for any minute examination.

In Dera Ismail Khan, there was an increase of 9 murders but these include one triple and one double murder while three murders were committed by Powindahs from Afghanistan in prosecution of their blood feuds.

LOCAL AND SPECIAL LAWS.

Offences under Local and Special Laws. Judicial Statement No. 2 A.

7. The number of offences under the Local and Special Laws has gone up from 7,454 in 1903, and from 7,603 in 1904 to 7,775 in the year under review. The actual percentage of admittedly true cases has however gone down to 83 from 86 in 1904. The following table gives the number of offences under the chief heads for each district.

ACTS.	TOTAL.		PESHAWAR.		HAZARA.		KOHAT.		BANNU.		D. I. KHAN.	
	1904	1905	1904	1905	1904	1905	1904	1905	1904	1905	1904	1905
Arms Act	233	206	83	80	27	20	37	41	48	34	37	31
Canals	50	93	10	57	...	...	...	1	40	35	...	...
Cantonments	523	446	523	446	...	...	...	...	...	...	...	...
Cattle Tresspass	90	97	...	3	51	45	7	16	20	17	12	16
Forest	128	150	22	5	96	145	7	...	...	...	3	...
Gambling	33	35	18	22	1	4	6	5	6	4	2	...
Hackney	217	181	144	109	37	35	31	14	5	18	...	5
Municipalties	228	307	71	167	57	70	18	7	30	26	52	37
Police	1,051	833	533	405	133	200	87	70	126	74	172	84
Salt and salt petre ...	27	21	...	...	...	...	27	21	...	...	...	...

The decrease in the number of cases under the Arms Act seems to me only the natural result of several years working of the Act. The District Magistrate of Bannu is inclined to attribute the decrease more to the successful evasion of the law than to its enforcement. I do not agree in this. No doubt there is much evasion but I think that the law is also having its effect and that the possession of weapons contrary to the rules under the Arms Act is becoming less common than it used to be. At the same time it should be noted that pistols and daggers were still the weapons used in a very large proportion of the murders.

The increase in cases under the Forest Laws in Hazara is due to more stringent enforcement of the rules relating to village forests.

There were three cases under the Frontier Murderous Outrage Regulation during the year and all three in the Bannu District. In two of the cases the accused were hung while in the third, a comparatively trivial case, the man was sentenced to five years rigorous imprisonment.

8. The table given below shows the number of persons proceeded against for security to keep the peace and for good behaviour under the Criminal Procedure Code and also the number dealt with under the security sections of Frontier Crimes Regulation.

Miscellaneous proceedings under the Criminal Procedure Code. Judicial Statement No. 3, and Security cases under F. C. Regulation. Judicial Statement No. 2 A.

PROCEEDINGS.	Year.	TOTAL PERSONS.									
		PESHAWAR.		HAZARA.		KOHAT.		BANNU.		D. I. KHAN.	
		Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of	Convicted.	Disposed of.	Convicted.
Breach of peace, Chapter VIII, Criminal Procedure Code.	1903	1,729	961	458	226	1,550	858	1,188	879	338	130
	1904	1,699	890	341	137	1,845	801	707	474	216	63
	1905	1,543	776	253	130	1,592	650	535	476	271	114
To prevent murder. Section 40, Frontier Crimes Regulation.	1903	8	8	18	15	18	16	80	79	341	294
	1904	8	6	7	7	4	4	21	21	76	41
	1905	9	9	6	4	3	3	20	20	17	16
Families with blood feuds. Section 41, Frontier Crimes Regulation.	1903	1,083	855	48	47	650	628	134	126	23	22
	1904	1,116	967	85	85	620	546	480	454	77	58
	1905	1,494	1,158	50	50	818	692	563	537	6	6
Further Security. Section 46, Frontier Crimes Regulation.	1903	290	201	...	...	...	...	...	...	...	...
	1904	347	299	...	...	15	15	...	...	...	...
	1905	320	282	...	...	89	70	...	...	...	...
TOTAL ...	1903	3,110	2,025	524	288	2,218	1,502	1,402	1,084	702	446
	1904	3,170	2,162	433	229	2,484	1,366	1,208	949	369	162
	1905	3,366	2,225	309	184	2,502	1,415	1,118	1,033	294	136
Good behaviour. Section 109 and 110, Criminal Procedure Code.	1903	406	360	28	17	136	101	167	132	120	66
	1904	375	285	71	45	104	57	88	76	70	49
	1905	216	152	52	36	139	100	101	83	65	29

At this point I will only draw attention to the large number of persons proceeded against in the Peshawar and Kohat Districts under Section 107 of the Criminal Procedure Code to keep the peace and the comparatively few number, about half in Peshawar and less than that in Kohat, from whom this security was actually demanded. It seems to me open to question whether it can be advantageous that in each of these districts so many persons should be dragged to the courts seemingly without sufficient reason. In Bannu it is different. There, it is the exception for a man who has once been summoned to give security, to get off. It may be noted that there has been a decrease throughout the Province in the numbers from whom security has been demanded under Section 107, Criminal Procedure Code. I cannot help thinking that the numbers from whom security has been demanded in years, past, has been so great that no harm will happen from a reduction. There has, however, been an increase in the numbers from whom security has been demanded under the Frontier Crimes Regulation.

Turning to the numbers of persons from whom security for good behaviour has been demanded, we find a decrease throughout the Province except in Kohat. This decrease is, I think, to be regretted since no one, I fancy, will be willing to contend that the supply of bad characters has diminished. The decrease is very noticeable in the Peshawar District.

GENERAL RESULT OF CRIMINAL TRIALS.

General result of Criminal trials. Judicial Statement No. 4.

9. Out of a total of 26,936 persons for disposal 26,505 were disposed of. The percentage of acquittals and discharges was 49 as against 51 in 1904. District Magistrates disposed of 1531 cases under the Frontier Crimes Regulation as against 1361 in 1904; 133 cases under their ordinary powers as against 106 in 1904 and 53 as against 63 under their enhanced powers.

Additional District Magistrates disposed of 105 cases under their enhanced powers.

Honorary Magistrates.

10. The Bench of Honorary Magistrates in the Peshawar City disposed of 583 cases, and thus rendered material assistance, as also did Nawab Arabab Muhammad Husian Khan of Lundi who singly disposed of 194 cases and Raja Jahandad Khan of Hazara who decided 128 cases.

European British subjects.

11. Two European British subjects were brought to trial during the year. One was fined Rs. 25 under Section 353, Indian Penal Code, in the Court of the Cantonment Magistrate. The other was tried by a Jury in the Peshawar Sessions Court on a charge under Section 325 Penal Code and acquitted.

PUNISHMENTS.

Punishments. Judicial Statement No. 5.

12. Seventeen persons were sentenced to death as against 13 in 1904 and 18 in 1903, while 37 persons were sentenced to transportation as against 20 in 1904; while three others were sentenced to transportation for terms less than life. The increase was chiefly in the Derajat Sessions Court and was due to the larger number of cases in that division committed to the Sessions.

Fines.

13. There was again a large fall in the amount of fines imposed from Rs. 1,16,305 in 1903 to 97,939 in 1904, and 76,647, in the year under review. The realization amounted to 86 per cent. against 83 per cent. in 1904.

Whipping.. Judicial Statement No. 5 A.

14. 295 sentences of whipping were passed as against 279 in 1904. This is a very slight increase and whipping might properly have been inflicted in many more cases, but Native Magistrates are averse to this form of punishment.

APPEALS AND REVISIONS.

15. The number of persons who appealed to the District Magistrates fell from 627 in 1903 and 728 in 1904 to 561 in the year under review. The decrease was most marked in Peshawar.

Appeals and Revisions—Judicial Statement No. 6.

846 persons as compared to 870 in 1904 appealed to the Sessions Courts and in the case of 378 the sentences were altered or reversed.

In all the appellate Courts sentences were enhanced against 31 persons only, 25 of these being by District Magistrates in appeals against orders passed by Magistrates of the lowest grades. These figures point, I think, to the fact that the enhancement Section of Regulation VII of 1901 is not being abused.

346 persons applied for revision to the Sessions Judges or District Magistrates. The applications of 262 were dismissed summarily. New trials were ordered in the case of 64.

FRONTIER CIRMES REGULATION.

16. The returns for 1905 show that 185 cases were referred to councils of elders under Section 11. This was four less than in 1904, but the decrease is very considerable if compared with the figures for previous years.

SESSIONS COURTS.

17. The table below gives the detail of work disposed of by the two Sessions Judges during the year, and for the two years previous.

Work of Sessions Courts.

SESSIONS COURTS.	SESSION CASES.			CRIMINAL APPEALS.			APPLICATIONS FOR REVISION.		
	1903	1904	1905	1903	1904	1905	1903	1904	1905
Peshawar	55	44	47	298	374	344	123	143	133
Derajat	30	19	37	347	268	246	30	14	32

The average duration of Sessions Cases was 33 days in Peshawar, and 48 in the Derajat against 51 in 1904. The average duration in the Derajat is bound to be higher than in Peshawar, owing to the Sessions Judge of the Derajat having 3 districts in his division and to his head quarters being situated in the least criminal district of the 3, and at a distance from both other districts. The number of Sessions Cases in the Derajat (37) is the largest since the formation of the Province, and may point to better working on the part of the police, and I think also may be due to the expressed wish of the Chief Commissioner that less cases should be tried under the Frontier Crimes Regulation.

JUDICIAL COMMISSIONER'S COURT.

18. The following statement shows the amount of criminal work disposed of during the past three (3) years in the Judicial Commissioner's Court.

Work in Judicial Commissioner's Court.

YEAR.	MURDER REFERENCES.		APPEALS.		REVISIONS.	
	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
1903	26	27	155	188	115	176
1904	19	19	127	141	114	161
1905	27	27	109	145	104	177

Capital sentences passed by the Sessions Judges in murder cases were confirmed in the case of 17 persons, as compared with 13 in 1904 and commuted in the case of 6. The convictions of two were altered to convictions of culpable homicide not amounting to murder, while two persons were acquitted. Besides the above two murder references were received from trans-border agencies. In one of these, the sentence was confirmed and in the other the sentence was reduced to transportation for life. 18 appeals from agencies were also disposed of during the year. The average duration of appeals was 34 days.

The Judicial Commissioner inspected the Courts of 2 Additional District Magistrates, of 2 Assistant Commissioners in charge of Sub-Divisions, of 2 Assistant Commissioners at head quarters and of 7 Extra Assistant Commissioners during the year.

GENERAL.

Procedure.

19. Sessions Judges called for and examined the files of 116 decided cases while District Magistrates examined 739 such files.

District Reports.

20. The District Magistrate of Bannu, Captain Blakeway, whose report was the best out of the district reports and shows the interest which he has taken in the criminal administration of that district, and his efforts to put down crime, draws attention to the advantages which it is hoped may follow from an extension of primary education. This subject is only indirectly connected with the criminal administration, but no one will deny, I think, that education is in a backward state in the Province. I think that any assistance which the Imperial Government could give to the limited resources of the Province with a view to extending primary education, would be well-repaid in the future.

Another point which Captain Blakeway brings forward is the necessity for a reformatory for juvenile offenders. I think that such an institution perhaps is more necessary in this Province than elsewhere. As it is, juvenile offenders in some instances must be sent to jail and the probable result is that they come out only to swell the ranks of the confirmed bad characters.

In last years' report the Judicial Commissioner mentioned the proposal to appoint Kazis for the registration of marriages among Muhammadans. Enquiries as to the working of the Kazi's Act in two districts were later set on foot and the result reported to Government. The general opinion seems to me that any form of registration would be unpopular, and might cause more harm than good.

E. INGLIS, LIEUT.-COL.,
Offg. Judicial Commissioner,
N.-W. F. P.

Imperial.

JUDICIAL STATEMENT No. 1.—CIVIL AND CRIMINAL.

Statement showing the number of Judicial Divisions and the number of officers exercising appellate or original jurisdiction in the North-West Frontier Province on the last day of the year 1905, with the cost of tribunals.

Name of Province.	Area in square miles.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of Districts.	Number of districts.	Number of sub-districts.	Total Number of Officers exercising Original or Appellate Jurisdiction.					Total Number of Cases decided.				Total receipts of the Courts.	Total charges of the Courts.	Remarks.
						Judges of Chief Court of Province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of Districts.	Judges of District Courts other than Chief Courts.	Judges of other Subordinate Courts.	*Original.* Regular.	*Original.* Miscellaneous.	*Appeals.* Regular.	*Appeals.* Miscellaneous.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
															Rs.	Rs.	
N.-W. Frontier Province — Territory subject to the High Court — Civil ...	13,197	20,50,724	2	5	16	1	2	4	26	29	22,264	4,950	666	43	3,21,417	4,94,453.	
N.-W. Frontier Province — Territory subject to the High Court — Criminal ...			2	5	16	1	2	5	38	55	1,830	9,520	376	61			
N.-W. Frontier Province — Territory subject to the High Court — Revenue ...																	
N.-W. Frontier Province — Territory not subject to the High Court — Civil ...																	
N.-W. Frontier Province — Territory not subject to the High Court — Criminal ...																	
N.-W. Frontier Province — Territory not subject to the High Court — Revenue ...																	
Total ...																	

Grades of Judicial officers.		Europeans.	Natives.
Officers exercising both original and appellate jurisdiction.	High Court Judges ...	1	...
	Divisional Judges ...	2	...
	District Judges ...	3	1
	Additional Judges ...	...	...
	Subordinate Judges ...	...	1
Officers exercising original jurisdiction only.	Small Cause Court Judges	2	...
	Munsifs	...	6

JUDICIAL STATEMNT No. 2.—CRIMINAL.

Statement of offences reported and of persons tried, convicted and acquitted of each class of offences in the North-West Frontier Province in the year 1905.

	Description of Offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	Number of persons					Remarks.
					Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another Province.	Remaining under trial.	
	1	2	3	4	5	6	7	8	9	10
	Offences against the State, Chapter VI of the Indian Penal Code ...	...	...	...	...	...	...	...	...	...
	Do. relating to the Army and Navy ... Chapter VII ...	...	...	...	...	...	...	...	...	...
	Do. against the public tranquility ... „ VIII ...	207	151	162	1,266	456	756	1	53	Rs. 13 awarded under Section 250 Criminal Procedure Code.
	Do. by or relating to public servants ... „ IX ...	11	10	10	12	3	9	...	...	
	Contempts of the lawful authority of public servants „ X ...	230	217	218	332	125	199	...	8	Rs. 20 Do.
	False evidence and offences against public justice „ XI ...	140	125	119	227	103	118	...	6	
	Offences relating to coin and Government stamps „ XII ...	22	14	15	21	13	7	...	1	
	Do. do. to weights and measures ... „ XIII ...	15	13	13	14	2	12	...	...	
	Do. affecting the public health, safety convenience, decency and morals „ XIV ...	37	30	34	50	15	35	...	...	
	Do. relating to religion ... „ XV ...	29	17	17	28	23	5	...	...	Rs. 14 Do.
AFFECTING THE HUMAN CHAPTER XVI.	Offences affecting life	275	235	244	661	299	247	5	110	Rs. 300 Do.
	Attempt	54	33	31	54	19	26	1	8	
	Causing of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births	12	10	7	11	4	6	...	1	
	Hurt	2,592	1,549	1,462	3,529	2,746	731	1	51	Rs. 355-8 Do.
	Wrongful restraint and wrongful confinement	148	76	73	205	191	14	...	...	Rs. 2 Do.

Offences affecting body,	Criminal force and assault	...	...	...	...	...	747	478	471	1,083	903	169	...	11	Rs.	194	Do.
	Kidnapping, forcible abduction, slavery and forced labor					...	65	28	20	73	54	18	1	...	Rs.	49	Do.
	Rape	...	...	...	...	...	22	10	14	16	9	7	...	...	Rs.	10	Do.
	Unnatural offence	...	...	...	...	...	44	28	27	40	10	30	...	...	Rs.	20	Do.
Offences against property, Chapter XVII.	Theft	...	...	...	...	...	1,280	756	573	1,011	530	467	...	14	Rs.	352	Do.
	Extortion	...	...	...	...	...	35	6	8	17	17	...	...	...	Rs.	5	Do.
	Robbery and dacoity	...	...	...	...	...	126	84	53	179	113	59	1	6	Rs.	285	Do.
	Attempt	...	...	...	...	...	34	18	7	21	2	19	...	...			...
	Criminal misappropriation of property		...	...	...	...	70	39	45	75	52	23	...	...			...
	Criminal breach of trust	...	...	...	...	...	228	116	116	152	101	46	1	4	Rs.	194	Do.
	Receiving of stolen property		...	...	...	...	266	196	211	324	93	220	1	10	Rs.	65	Do.
	Cheating	...	...	...	...	...	154	69	73	110	84	21	...	5			...
	Fraudulent deeds and disposition of property			...	...	...	3	...	...	...	...	...	...	...	Rs.	30	Do.
	Mischief	...	...	...	...	...	748	380	322	836	705	116	...	15	Rs.	130	Do.
	Criminal trespass	...	...	...	...	...	1,672	1,199	706	1,611	1,238	339	1	33	Rs.	562-4-0	Do.
Offences relating to documents and to trade or property marks, Chapter XVIII						...	28	14	15	31	22	9	...	...	Rs.	60	Do.
Criminal breach of contracts of service			...	...	„	XIX ...	4	4	4	7	5	2	...	...			...
Offences relating to marriage		...	...	...	„	XX ...	609	321	319	705	615	81	...	9	Rs.	1,110	Do.
Defamation	...	...	...	...	„	XXI ...	30	9	9	18	13	5	...	...			...
Criminal intimidation, insult and annoyance			...	...	„	XXII ...	246	176	169	275	243	32	...	...	Rs.	29	Do.
						TOTAL ...	10,183	6,411	5,567	12,994	8,808	3,828	13	345	Rs.	3,799-12	Do.
Offences under special and local laws			...	...	...	...	7,775	6,450	6,403	13,631	4,521	9,021	3	86	Rs.	58	Do.
						GRAND TOTAL ...	17,958	12,861	11,970	26,625	13,329	12,849	16	431		3,857-12	Do.

Imperial.

JUDICIAL STATEMENT No. 2 A.—CRIMINAL.

Statement of offences reported and of persons tried, convicted and acquitted of each class of offence in the N.-W. Frontier Province in the year 1905.

DESCRIPTION OF OFFENCE.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	NUMBER OF PERSONS.					REMARKS.
				Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another Province.	Remaining	
1	2	3	4	5	6	7	8	9	10
Offences under Local and Special Laws	...	...	...	...	...	...	...	...	
Proceedings under the Code of Criminal Procedure	2,799	1,775	1,726	4,826	2,249	2,517	1	59	Rs. 20.
Breach of Laws relating to—									
Arms, ammunition and Military stores ... Act XI of 1878 ...	237	206	215	253	63	183	2	5	Rs. 30.
Canals ... ... „ VIII of 1873 ...	162	93	92	202	147	53	...	2	
Cantonments, Military ... ... „ III of 1880 ...	446	446	446	764	165	599	...	...	
Cattle trespass ... ... „ I of 1871 ...	207	97	93	258	216	41	...	1	Rs. 8.
City Chaukidars ... ... „ XX of 1856 ...	...	...	...	...	...	...	...	...	
Code of Civil Procedure ... ... „ XIV of 1882 ...	...	...	...	...	...	...	...	...	
Companies Act ... ... „ VI of 1882 ...	...	...	...	...	...	...	...	...	
Contract Workmen ... ... „ XIII of 1859 ...	99	93	91	257	248	9	...	...	
Contract by workmen on Railways and other Public Works ... ... „ IX of 1860 ...	...	...	...	...	...	...	...	...	
Criminal Tribes and Eunuchs ... ... „ XXVII of 1871 ...	...	...	...	...	...	...	...	...	
Emigration ... ... „ VII of 1871 ...	...	...	...	...	...	...	...	...	
Excise on Spirits and Drugs ... ... „ XXII of 1881 and XVI of 1883 ...	30	30	28	33	3	30	...	...	
Factories ... ... „ XV of 1881 ...	...	...	...	...	...	...	...	...	
Farcy and Glanders ... ... „ XX of 1879 ...	...	...	...	...	...	...	...	...	
Ferries ... ... „ XVII of 1878 ...	1	...	...	...	...	...	...	...	
Foreigners ... ... „ III of 1864 ...	...	...	...	...	...	...	...	...	
Forest ... ... „ VII of 1878 and „ II of 1879 ...	152	150	148	408	97	307	...	4	
Gambling ... ... „ III of 1867 ...	38	35	41	263	74	189	...	...	
Hackney and Stage Carriages ... ... „ XVI of 1861 and „ XIV of 1879 ...	184	181	180	205	32	170	...	3	
License Act ... ... „ II of 1878 ...	...	...	...	...	...	...	...	...	
Marriages, Christian ... ... „ XV of 1872 ...	...	...	...	...	...	...	...	...	
Municipalities ... ... „ IV of 1873 and „ XX of 1891 ...	315	307	305	345	72	273	...	...	
Murderous outrages ... ... „ XXIII of 1867 & „ IX of 1872 ...	...	...	...	...	...	...	...	...	

Mutiny Act	„	VII of 1867	...	...		...		...		...		...		...		...		...	
Opium	„	I of 1878	...	37		34		38		50		7		37		...		...	6
Pleaders	„	XVIII of 1879	...			...		...		...		...		...		...		...	
Police	„	V of 1861	...	833		833		833		1,045		334		711		...		...	
Post Office	„	XIV of 1866	...	...	3		2		2		2	...			1	...			1
Printing Presses	„	XXV of 1867	...	...		...		...		...		...		...		...		...	
Prisons	„	XXVI of 1870	...	1		1		1		1		...		1		...		...	
Prostitutes	„	III of 1880	...	...		...		...		...		...		...		...		...	
Punjab Courts Act	„	XVIII of 1884	...	...		...		...		...		...		...		...		...	
Punjab Laws Act	„	IV of 1872	...	251		251		256		594		178		416		...		...	
Railways	„	IV of 1879 and IX of 1890	...	34		27		26		33		12		21		...		...	
Registration	„	III of 1877	...	...		...		...		...		...		...		...		...	
Salt and Saltpetre	„	XII of 1882	...	21		21		21		37		7		30		...		...	3
Stamps	„	I of 1879	...	7		7		7		12		...		9		...		...	
Telegraph	„	I of 1876 and XIII of 1885	...	12		11		...		...		...		...		...		...	
Treasure Trove	„	VI of 1878	...	...		...		...		...		...		...		...		...	
Vagrancy, European	„	IX of 1874	...	...		...		...		...		...		...		...		...	
Wandering and dangerous lunatics	„	XXXVI of 1858	...	...		...		...		...		...		...		...		...	
Explosives Act	„	IV of 1884	...	...		...		...		...		...		...		...		...	
Cruelty to Animals	„	XI of 1890	...	20		20		20		24		4		20		...		...	
Indian Patroleum Act VIII of 1899			...	1		1		1		1		...		1		...		...	
Act II of 1890			...	3		3		3		5		1		2		...			2
Fisheries Act IV of 1897			...	1		1		1		2		...		2		...		...	
B. M. P. Act			...	4		4		4		4		...		4		...		...	
Births and Deaths			...	2		2		2		2		...		2		...		...	
		Total	...	5,900		4,631		4,580		9,626		3,909		5,628		3		86	
Frontier Regulations.																			
Regulation VII of 1901			...	2		2		2		6		...		6		...		...	
Do. III „ „	22 and 23		...	28		28		27		32		8		24		...		...	
Do. „ „ „	24 and 25		...	1		1		1		1		...		1		...		...	
Do. „ „ „	26 ...		...	3		3		3		5		...		5		...		...	
Do. „ „ „	29 ...		...	6		5		6		8		3		5		...		...	
Do. „ „ „	30 ...		...	44		28		28		28		10		18		...		...	
Do. „ „ „	36 ...		...	156		140		141		177		29		148		...		...	
Do. „ „ „	37 ...		...	34		33		33		34		4		30		...		...	
Do. „ „ „	40 and 41		...	1,316		1,295		1,298		2,986		491		2,495		...		...	
Do. „ „ „	46 ...		...	183		182		182		409		57		352		...		...	
Do. „ „ „	35 ...		...	89		89		89		304		2		302		...		...	
Do. „ „ „	43 ...		...	1		1		1		1		...		1		...		...	
Do. „ „ „	33 ...		...	7		7		7		9		6		3		...		...	
Do. „ „ „	34 ...		...	2		2		2		2		2		...		...		...	
Do. „ „ „	44 ...		...	2		2		2		6		...		6		...		...	
Do. IV „ „	2 ...		...	3		3		3		3		...		3		...		...	
		Total	...	1,875		1,819		1,823		4,005		612		3,393		...		...	

JUDICIAL STATEMENT No. 3—CRIMINAL.

Statement of Miscellaneous Proceedings under the Criminal Procedure Code in the N.-W. Frontier Province during the year 1905.

NATURE OF PROCEEDINGS.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	REMARKS.
1	2	3	4	5	6
1. Proceedings against witnesses under Chapter VIC and Section 485.	...	...	...	...	
2. Proceedings under Chapter VIII to prevent breach of the peace, and Sections 40 and 45. Frontier Crimes Regulations	2,669	7,769	2,596	5119*	* 126 persons under Section 106 Criminal Procdure Code. 3 persons referred to Sessions.
3. Proceedings under Chapter VIII, Security for good behaviour and Section 39, Frontier Crimes Ragulations.	540	576	202	366*	
4. Proceedings against local nuisances, Chapter X ...	6	13	9	4	
5. Possession, Chapter XII	107	310	189	121	
6. Frivolous or vexatious accusations summarily dealt with under Chapter XX, Section 250.	193	196	...	196	
7. Non-attendance of Jurors or Assessors, Chapter XXIII, Section 332.	...	...	...	...	
8. Maintenance, Chapter XXXVI	257	257	195	62	
9. Forfeiture of bail or recognizance under Chapter XLII	90	149	43	103*	* Includes persons under Frontier Crimes Ragulation.
10. Proceedings under Chapter XLVI, Section 563, against convicted offenders released under Section 562.	14	26	22	4	
TOTAL	3,876	9,296	3,256	5,975	

Imperial.

JUDICIAL STATEMENT No. 4—CRIMINAL.

Statement showing the general result of criminal trials in the tribunals of various classes in the North-West Frontier Province in the year 1905.

Class of Courts.	Total number of persons under trial.	Died, escaped or transferred to another province.	Discharged or acquitted.	PERSONS WHOSE CASES WERE DISPOSED OF.								Committed or referred.	Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.	REMARKS.
				CONVICVED.													
				ON REGULAR TRIAL.				ON SUMMARY TRIAL.									
				Sentenced passed.	Released on probation, Section 562, Criminal Procedure Code.	*Youthful offenders dealt with under Section 31, Act VIII of 1897.*		Sentenced passed.	Released on probation, Section 562, Criminal Procedure Code.	*Youthful offenders dealt with under Section 31, Act VIII of 1897.*							
						Discharged after admonition.	Delivered to parent or guardian &c.			Discharged after admonition.	Delivered to parent orguardian &c.						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Village officers	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrate. Special Magistrates under Section 14 ...	160	...	106	54	...	...	...	...	...	...	...	...	...	76	4	78	
Subordinate Magistrate. Honorary Magistrates sitting singly ...	1,323	...	811	489	...	...	...	...	...	...	...	13	10	541	9	1,562	
Subordinate Magistrate. Stipendiary ditto. ...	20,265	10	11,249	7,379	12	...	...	1,049	14	...	...	218	334	8,780	9	25,835	
Subordinate Magistrate. Benches of Magistrates	986	...	461	229	...	...	...	281	...	...	...	...	15	710	7	426	
District and Divisional Magistrates—Cases referred under Sections 347, 349, C. P. C. ...	6	...	...	6	...	...	...	...	...	...	...	...	...	6	1	...	
Chief Magistrates of Districts	3936	6	655	3,127	...	...	...	87	...	...	...	7	54	1,717	5	759	
Courts of Sessions	233	...	45	97	...	...	...	...	...	...	...	73	18	89	36	1,292	
Superior Courts	27	...	2	25	...	...	...	...	...	...	...	...	...	27	24	...	
TOTAL ...	26,936	16	13,329	11,406	12	...	...	1,417	14	...	...	311	431	11,946	8	29,952	

Imperial

JUDICIAL STATEMENT No. 5—CRIMINAL.

Statement showing the punishments inflicted by the various criminal tribunals in the North-West Frontier Province in the year 1905.

CLASS OF TRIBUNAL.	PERSONS SENTENCED TO										DETAIL OF PUNISHMENT.																
				Imprisonments							Fine.									Imprisonment.					Whipped.			
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace, or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	15 days and under.	6 months and under.	2 years and under.	7 years and under.	Above 7 years.	10 stripes and under.	20 stripes and under.	30 stripes and under.	Number of boys whose sentences were commuted to detention in a Reformatory School.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
Village Officers	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. Special Magistrates under Section 14 ...	...	...	...	15	...	...	44	...	...	...	32	11	1	...	...	...	501	370	50	5	8	2	...	...	...	...	...	...
Honorary Magistrates sitting singly ...	...	...	...	123	...	...	202	...	227	2	130	62	9	1	...	...	3,084	2,270	372	18	79	28	...	...	...	...	...	...
Stipendiary Magistrates sitting singly ...	...	...	...	2,169	97	...	3,834	250	2,928	78	2,968	779	71	16	...	...	44,111	38,490	4,702	390	1,365	436	127	26	22	106	122	...
Benches of Magistrates	..	...	...	50	2	...	464	9	...	...	441	22	1	...	...	...	2,362	1,206	20	3	49	...	...	...	1	6	2	...
District and Divisional Magistrates—Cases referred under Sections 347, 349, C. P. C.	...	...	...	1	...	...	...	5	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	2	3	...
Chief Magistrates of District	...	...	...	263	3	...	596	31	2,331	...	417	100	36	37	5	1	25,389	22,777	4,938	7	51	62	85	61	2	5	24	...
Courts of Sessions	...	40	...	52	...	4	10	...	5	3	...	4	3	3	...	...	1,200	450	...	...	10	8	23	14	...	...	...	...
Superior Courts	17	6	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	...	...	...
TOTAL ...	17	46	...	2,675	102	4	5,150	295	5,491	83	3,988	978	121	57	5	1	76,647	65,563	10,082	423	1,562	537	235	103	25	119	151	...

JUDICIAL STATEMENT No. 5 A.

STATEMENT SHOWING THE PARTICULARS OF WHIPPING INFILCTED BY THE CRIMINAL TRIBUNALS DURING THE YEAR 1905

PART I.

Showing whippings inflicted under Sections 2 and 3, Act VI of 1864, in lieu of other punishments.

OFFENCES FOR WHICH AWARDED.	NUMBER OF STRIPES AWARDED.			TOTAL.
	5 to 10 stripes.	11 to 20 stripes.	21 to 20 stripes.	
In lieu other punishments.				
(Section 2 and 3, Act VI of 1864.)				
1. Theft of defined in ... Section 378, I. P. C.	10	38	29	77
1. Theft of defined in ... „ 380, „	...	10	8	18
1. Theft of defined in ... „ 381, „	...	4	2	6
1. Theft of defined in ... „ 382, „	...	...	...	...
2. Extortion as defined in ... „ 388, „	...	...	...	...
2. Extortion as defined in ... „ 389, „	...	...	...	...
3. Dishonestly receiving stolen property as defined in ... „ 411, „	2	8	9	19
3. Dishonestly receiving stolen property as defined in ... „ 412, „	...	...	...	...
4. Lurking house-trespass as defined in ... „ 443, „	1	2	...	3
5. Lurking house-trespass by night as defined in ... „ 444, „	...	2	1	3
6. House-breaking as defined in ... „ 445, „	...	1	4	5
7. House-breaking by night as defined in ... „ 446, „	...	1	4	5
8. Offence under Section 52 of the prisons Act, 1894 ...	...	...	...	...
9. „ „ „ 19 Arms Act ...	...	...	1	1
10. „ „ „ 302 I. P. C. ...	...	...	1	1
11. „ „ „ 304 „ ...	1	...	...	1
12. „ „ „ 324 „ ...	...	3	2	5
13. „ „ „ 325 „ ...	...	...	1	1
14 „ „ „ 354 „ ...	1	...	1	2
15. „ „ „ 377 „ ...	1	4	3	8
16. „ „ „ 395 „ ...	...	...	1	1
17. „ „ „ 417 „ ...	1	...	...	1
18. „ „ „ 451 „ ...	...	...	1	1
19. „ „ „ 454 „ ...	...	...	1	1
20. „ „ „ 457 „ ...	...	3	1	4
21. „ „ „ 466 „ ...	...	...	1	1
22. „ „ „ 497 „ ...	...	...	1	1
On first conviction ...	17	75	72	164
On reconviction ...	...	1	...	1
TOTAL ...	17	76	72	165

PART II.

Showing whippings inflicted in addition to other punishments. Section 3 and 4, Act VI of 1864.

OFFENCES FOR WHICH AWARDED.	NUMBER OF STRIPES.			TOTAL.
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	
In addition to other punishments. (Sections 3 and 4.)				
A.—SECTION 3.				
1. Theft as defined in ... Section 378, I. P. C.	11	6	15	22
1. Theft as defined in ... „ 380, „	1	4	2	7
1. Theft as defined in ... „ 381, „	...	2	...	2
1. Theft as defined in ... „ 382, „	...	...	...	...
2. Extortion as defined in ... „ 388, „	...	...	...	...
2. Extortion as defined in ... „ 389, „	...	..	...	...
3. Dishonestly receiving stolen property as defined in ... „ 411, „	1	5	3	9
3. Dishonestly receiving stolen property as defined in ... „ 412, „	...	...	...	...
4. Lurking house-trespass as defined in ... „ 443, „	...	4	9	13
5. Lurking house-trespass by night as defined in ... „ 454, „	...	...	1	1
6. House-breaking as defined in ... „ 451, „	...	...	2	2
7. House-breaking by night as defined in „ 446, „	...	...	1	1
8. Offence under Section 52 of the Prisons Act, 1894 ...	...	...	...	...
B.—SECTION 4.				
1. False evidence as defined in ... Section 193, I. P. C.	...	...	...	...
1. False evidence as defined in ... „ 194, „	...	...	...	...
1. False evidence as defined in ... „ 195, „	...	...	...	...
2. False charge of unnatural offence as defined in ... ... Sections 211 377. „	...	...	...	...
3. Assault as defined in ... ... „ 354, „	...	...	...	...
4. Rape as defined in ... ... „ 375, „	...	...	7	7
5. Unnatural offence as defined in ... „ 377, „	...	2	6	8
6. Robbery as defined in ... „ 390, „	...	...	...	...
7. Dacoity as defined in ... „ 391, „	...	...	1	1
8. Attempt at robbery as defined in ... „ 393, „	...	...	1	1
9. Hurt in committing robbery as defined in „ 394, „	...	...	4	4
10. Offence under Section 326 I. P. C. ...	...	4	7	11
11. „ „ „ 325 „ ...	...	1	2	3
12. „ „ „ 324 „ ...	...	4	1	5
13. „ „ „ 457 „ ...	...	1	3	4
14. „ „ „ 395 „ ...	...	...	4	4
15. „ „ „ 307 „ ...	...	1	...	1
16. „ „ „ 304 „ ...	...	1	1	2
17. „ „ „ 436 „ ...	...	...	2	2
18. „ „ „ 459 „ ...	...	...	1	1
19. „ „ „ 429 „ ...	...	1	...	1
20. Section 2 F. C. R. ...	...	...	1	1
Total ...	13	36	74	113

PART. III.

Showing whippings inflicted under Section 5, Act VI of 1864, on Juveniles for offences other than those specified in Parts I and II.

OFFENCE.	STRIPES.			TOTAL.
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	
Offences under Section 465 I. P. C. ...	...	1	...	1
„ „ „ 127 Railway Act ...	2	...	...	2
„ „ „ 30 „ ...	2	...	...	2
„ „ „ 240 I. P. C. ...	...	1	...	1
„ „ „ 408 „ ...	...	1	...	1
„ „ „ 325 „ ...	...	...	1	1
„ „ „ 353 „ ...	...	1	...	1
„ „ „ 377 „ ...	...	1	5	6
„ „ „ 429 „ ...	...	1	...	1
„ 19 Arms Act ...	...	1	...	1
On first conviction ...	4	7	6	17
On reconviction ...	...	...	...	...
Total ...	4	7	6	17

PART IV.

Showing the relative number of times whipping was awarded as compared with other punishments in cases in which whipping might have been awarded.

Punishments	Number.	REMARKS.
1. Total number of whippings awarded ...	295	
2. Total number of other punishments in cases in which whipping might have been awarded.	999	
3. Total number of all punishments in cases in which whipping might have been awarded (total of headins 1. and 2.)	1,294	
4. Percentage of whippings on total number of all punishment (percentage of heading 1 on heading 3).	22·79	

JUDICIAL STATEMENT No. 6—CRIMINAL

Statement showing the result of Appeal and Revision in Criminal cases in the N.-W. F. Province in the year 1905.

TRIBUNALS.	NUMBER OF PERSON.											Average number of days during which each appeal lasted.	REMARKS. (Showing number of persons dealt with under Section 106 (3) of the Code or under Section 8, Clause (2) of the Reformatory Schools Act.)
	Total number of appellants and applicants for revision before the Court.	Died, escaped transferred to another Province.	Appeals or applications rejected	Sentence or order confirmed	Sentence enhanced	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
APPEAL.													
To Chief Magistrates of Districts	561	...	34	285	25	79	111	4	7	...	16	11	
„ Courts of Session	846	...	271	169	5	223	155	...	12	...	11	9	
„ Superior Courts { by persons convicted ...	147	...	19	62	1	50	13	...	...	...	2	34	
„ Superior Courts { by Govt. from judgments of acquittal													
Total ...	1554	...	324	516	31	352	279	4	19	...	29	14	
REVISION.													
By Chief Magistrates of Districts ...	181	...	113	...	...	...	...	...	55	7	6	11	
„ Courts of Sessions	165	...	149	...	...	...	...	...	9	1	6	9	
„ Superior Courts	180	...	125	9	2	22	14	1	4	...	3	14	
Total ...	526	...	387	9	2	22	14	1	68	8	15	11	
GRAND TOTAL ...	2,080	...	711	525	33	374	293	5	87	8	44	12	

Imperial.

JUDICIAL STATEMENT No. 13—CRIMINAL.

Statememt showing the use of Juries and Assessors in the Criminal Courts in the N.-W. Frontier Province in the year 1905.

Class of Courts in which Jurors or Assessors are employed.	Established or average number of Jury or Assessors in each case and prescribed qualification.	Number of accused persons in Jury Trail.				Number of accusrd persons in total with assessors.				Remarks.
		Tried.	*As to whom the Judge.*			Tried.	*As to whom the Judge*			
			Approved verdict.	Did not approve of. verdict.	Made reference under Section 307, Criminal Procedure Code.		Agreed with all the Assessors.	Differed from one or more, but not from all the Assessors.	Differed from all the Assessors.	
1	2	3	4	5	6	7	8	9	10	11
Magistrates' Court under Chapter X, C. P. C. Jurors.	...	...	...	...	...	...	...	...	...	
Courts of Session — Jurors	5	...	...	...	...	...	...	...	...	
Courts of Session — Assessors	3	1	1	...	...	165	101	7	57	
High Court, Original (Criminal) Jurisdiction Jurors.	...	...	...	...	...	...	...	...	...	

PROVINCIAL APPENDIX A.

Statement of serious offences under the Indian Penal Code admitted to have occurred during 1905 in each district of N.-W. F. Province.

Offences.	Section of Indian Penal Code.	Offences admitted to have occurred.								Remarks.
		Peshawar.	Hazara.	Kohat.	Bannu.	D. I. Khan.	Total 1905.	Total 1904.	Total 1903.	
Rioting	147, 148	63	12	29	11	9	124	119	109	
Murder	302	80	24	37	18	13	172	141	172	
Do. attempt ...	307	16	...	7	7	2	32	55	48	
Culpable homicide ...	304	25	11	5	2	2	45	25	4	
Do. attempt ...	308	...	...	...	1	...	1	10	...	
Hurt with aggravation...	325 to 331	77	64	39	57	27	264	253	273	
Kidnapping	363 to 369	3	8	5	1	4	21	32	28	
Rape	376	6	...	1	2	1	10	7	8	
Unnatural offence ...	377	15	4	4	3	2	28	30	26	
Theft	379 to 382	259	124	169	105	93	750	912	962	
Robbery	392 to 394	17	6	11	2	5	41	39	47	
Dacoity with murder ...	396	10	...	4	...	...	14	11	11	
Do. other cases ...	395, 397, 398, 400, 401, 402	27	1	18	1	...	47	35	41	
Receiving stolen property	411 to 414	85	19	37	24	31	196	229	268	
Mischief with aggravation	429 to 438	48	44	22	12	7	133	188	190	
Criminal trespass resulting in death or grievous hurt.	459, 460	5	...	...	1	1	7	7	19	
Criminal trespass for commission of other serious offences.	454, 457, 458	280	114	179	83	85	741	717	720	
Criminal trespass other cases.	453, 456	6	...	...	6	1	13	13	7	
Total 1905 ...		1,022	431	567	324	283	2,639	...	...	
Total 1904 ...		1,111	462	555	378	317	...	2,823	...	
Total 1903 ...		1,110	486	588	414	375	...	...	2,973	

PROVINCIAL APPENDIX B.

Statement showing Criminal References to councils of elders under the Frontier Crimes Regulation and persons disposed of after such trial in each district during the years 1903, 1904 *and* 1905.

DISTRICT.	References to councils of elders under Section 11 Frontier Crimes Regulation, disposed of.			Number of persons.						Percentage of persons convicted.		
				Tried.			Convicted.					
	1903	1904	1905	1903	1904	1905	1903	1904	1905	1903	1904	1905
Peshawar ...	79	77	90	362	289	378	101	130	113	27	45	30
Hazara ...	33	31	24	190	103	106	135	60	55	71	58	52
Kohat ...	119	26	27	238	61	81	120	34	46	50	56	57
Bannu ...	104	27	23	272	70	67	128	48	40	47	69	60
Dera Ismail Khan ...	20	28	15	60	95	32	33	30	17	55	32	53
Total ...	335	189	185	1,122	618	664	517	302	271	46	49	41

REPORT

ON THE

ADMINISTRATION OF THE CRIMINAL JUSTICE

IN THE

NORTH-WEST FRONTIER PROVINCE

DURING THE YEAR

1906.

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1907.

REPORT ON THE ADMINISTRATION OF CRIMINAL JUSTICE IN THE NORTH-WEST FRONTIER PROVINCE DURING THE YEAR 1906.

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Proceedings of the Hon'ble the Agent to the Governor-General and Chief Commissioner, North West Frontier Province, No. 1583-G., dated 9th September 1907.

READ—

The Report on the Administration of Criminal Justice in the North-West Frontier Province for the year 1906.

REMARKS.—The number of offences under the Indian Penal Code returned as true has fallen steadily from 8,157 in 1901 to 6,347 in 1906, while in spite of this great diminution there has been practically no decrease in the number of cases which ended in conviction, the greatest variation being from 2,248 in 1901 and 2,329 in 1903 to 1,907 in 1906.

On the other hand the number of offences under Special and Local Laws has increased somewhat during the last four years; but the majority of these offences were trifling. The steady diminution of serious crime observed during the previous five years was maintained, and the improvement has been marked in all the districts except Kohat.

2. Attention has been drawn in the report to the room for further improvement in the working of Sections 107, 202, 203 and 250 of the Criminal Procedure Code by the Subordinate Magistracy. The Chief Commissioner concurs with the Judicial Commissioner in deploring the unfortunate results of the careless examination of complainants in cases under Section 107, Criminal Procedure Code. He desires to remind Magistrates that the thorough examination of the complainant in the first instance not only results in the eventual saving of much labour, but that the number of groundless complaints diminishes rapidly in the Courts of those Magistrates who consistently decline to issue process until they have assured themselves of the reasonable probability of the truth of the complaint.

3. While the increase in the total number of complaints dismissed summarily was satisfactory, especially in Hazara, a comparison of the figures for the different districts shows great divergence in the proportion of complaints held to be groundless and cases ultimately proved to be false to the total number of offences reported, the percentage varying from 42·83 in Hazara to 21·79 in Peshawar. The proportion borne by the number of persons acquitted or discharged in each district to the number put on trial is very considerably higher in the districts of Dera Ismail Khan and Hazara than in the other three districts in the Province. It is therefore probably legitimate to infer that in the two former districts there is still considerable scope for the freer application of the provisions of Section 203 of the Code of Criminal Procedure.

4. The Chief Commissioner regrets that although year after year he has drawn the attention of District Magistrates to the necessity of impressing upon the Subordinate Magistracy the importance of enforcing systematically the provisions of Section 250 of the Code of Criminal Procedure, the number of cases in which complainants who had brought frivolous or vexatious complaints were ordered to pay compensation to the accused was lower in 1906 than it has been in any other year since the creation of the North-West Frontier Province. It is hoped that the Judicial Commissioner's remarks in paragraph 3 of the Report will result in a return to the improvement in the application of this section of which the figures for 1905 gave promise.

5. The diminution in the number of cases referred to a Council of Elders and the increase in the percentage of convictions are a gratifying feature of the returns, and demonstrate that suitable discrimination was exercised by Deputy Commissioners in selecting cases for reference and due care in the appointment of the jirga.

6. The Report proves the year's working to have been on the whole highly creditable, and the thanks of the Chief Commissioner are due to Lieutenant-Colonel E. Inglis and Mr. C. E. F. Bunbury for their administration of the Department and to the latter for his interesting report.

ORDER.—Ordered, that a copy of the Review be forwarded to the Judicial Commissioner, North-West Frontier Province, for information, and that it be circulated with the report and the usual number of copies forwarded to the Government of India, Home Department.

By order of the Hon'ble the Agent to the Governor-General and Chief Commissioner,

T. B. COPELAND,

Assistant Secretary to the Hon'ble the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province.

N.-W. F. P. Govt. Press, Peshawar.—202 S. to C. C.—9-9-07—207.

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Provincial Appendix A.

Statement of serious offences under the Indian Penal Code admitted to have occurred during 1906 in each district of the North-West Frontier Province.

Provincial Appendix B.

Statement showing the Criminal references to Councils of Elders under the Frontier Crimes Regulation in each district during the three years 1904, 1905 and 1906.

No. 417.

FROM

C. E. F. BUNBURY, ESQUIRE, I. C. S,

Judicial Commissioner, North-West Frontier Province,

Peshawar.

To

A. H. GRANT, ESQUIRE, I. C. S.,

Secretary to the Hon'ble the Chief Commissioner,

North-West Frontier Province.

Dated Peshawar, the 1st August 1907.

SIR,

I HAVE the honour to submit the Annual Report on the Administration of Criminal Justice in the North-West Frontier Province during the year 1906, together with the statistical tables prescribed by the Government of India.

I have the honour to be,

SIR,

Your most obedient servant,

C. E. F. BUNBURY,

Judicial Commissioner, N.-W. F. Province.

Annual Report on the Administration of Criminal Justice in the North-West Frontier Province during the year 1906.

GENERAL REVIEW OF OFFENCES.

1. The number of offences reported during the year was 18,471 as against 17,958 in 1905. Of the number reported 12,958 or 70 per cent as compared with 12,861 or 72 per cent in 1905 were returned as true. The following table shows the fluctuations in each district during the past two years :—

Offences reported and admitted as true.
Judicial Statement No. 2.

District.	Offences reported.		Complaints dismissed *in limine.*		Cases struck off as false.		Offences admitted to have occurred.		Cases brought to trial.		Percentage of cases brought to trial and offences admitted.	
	1905	1906	1905	1906	1905	1906	1905	1906	1905	1906	1905	1906
Peshawar	6,767	7,491	881	1,243	457	390	5,429	5,858	5,248	5,549	97	95
Hazara	3,323	3,187	1,318	1,284	98	81	1,907	1,822	1,721	1,661	90	91
Kohat	3,110	2,966	399	451	259	276	2,452	2,239	2,178	2,081	89	93
Bannu	3,036	2,952	1,006	1,110	64	73	1,966	1,769	1,807	1,675	92	94
Dera Ismail Khan ...	1,722	1,875	568	533	47	72	1,107	1,270	1,016	1,182	92	93
TOTAL ...	17,958	18,471	4,172	4,621	925	892	12,861	12,958	11,970	12,148	93	94

These figures of course represent grand totals, and include security cases and other preventive proceedings which are not " offences " at all in the ordinary conception of the term. Such increases and decreases in the statistics as call for comment can be noticed more conveniently when dealing with offences under the Indian Penal Code and cases under Local and Special Laws.

2. The total number of complaints dismissed summarily under Section 203, Criminal Procedure Code, and of cases struck off as false, was 5,513 : this represents 29 per cent of the offences reported, the proportion being the same as in 1905. Satisfactory increases in the number of complaints thrown out summarily are to be found in the statistics of the Peshawar District, from 881 to 1243, and in the Bannu District, from 1,006 to 1,110. In regard to Bannu, however, the Sessions Judge, Derajat, considers that there is still room for improvement, for he writes :—

Complaints dismissed *"in limine."*

" Dismissals under Section 203 are satisfactory, but a glance at statement No. 2 will show that there is still room for improvement. For example, in hurt cases, out of 744 persons brought to trial only 67 were convicted, the rest being acquitted or discharged, and of the total number (2,067) of persons brought to trial under the Indian Penal Code only 458 were actually sentenced. A discriminating use of Section 203, Criminal Procedure Code, read with Section 95, Indian Penal Code, should have kept a large proportion of those discharged or acquitted out of court. The fact is that Magistrates habitually neglect to carefully record the complainant's statement under Section 202, Criminal Procedure Code, and so fail to really gauge the truth of his story. As a rule this important duty is relegated to a subordinate clerk who performs the task in a very perfunctory manner without any attempt to elicit the truth. A little attention to the matter would in the end save much of the time of the court, besides checking frivolous complaints."

The importance of examining the complainant carefully and thoroughly in the first instance and of recording his statement in detail, so as to discover how far his alleged grievance is true or false, has formed the theme of repeated exhortations addressed by District Magistrates and higher Judicial authorities

to the subordinate magistracy : but constant re-iteration of the admonition is necessary in order to impress the importance of the subject upon Indian Magistrates as a whole.

The Baunu District shows a great improvement in the number of complaints which were referred to the Police for preliminary inquiry prior to being summarily dismissed, the figures having fallen from 264 in 1905 to 75 in 1906. On the other hand Hazara shows a marked deterioration in this respect, for no less than 169 complaints, as against 39 in 1905, were referred to the Police for inquiry before being thrown out : this number is in excess of that returned by the Peshawar, Kohat and Bannu Districts combined, and tends *primâ facie* to indicate that Magistrates in Hazara have in many cases been putting on to the Police the task of making the preliminary investigation which they should have performed themselves. In this connection the attention of the District Magistrate of Hazara will be invited to the remarks made on this subject in paragraph 2 of the Provincial Report for 1904.

Compensation under Section 250, Criminal Procedure Code. Judicial Statement No. 2, column 10 and No. 3, Head 6.

3. The number of cases in which complainants who had brought frivolous or vexatious complaints were ordered to pay compensation to the accused persons has gone down from 193 in 1905 to 114 in 1906, and the total compensation awarded has fallen from Rs. 3857 to Rs. 1725 : this is one of the most unfavourable features in the statistics of the year under report. The number of persons to whom compensation was awarded under Section 250, Criminal Procedure Code, fell in Bannu from 74 in 1905 to 37 in 1906, and in Hazara from 67 to 21. The total number of accused persons to whom compensation was so awarded in the whole Province was 123. Now seeing that the Provincial statistics show that out of 8,057 persons brought up for trial on charges of hurt, assault, mischief, criminal trespass and criminal intimidation alone, no less than 6,816 were discharged or acquitted, and that compensation was awarded only to 123 persons out of the total (13,481) of those discharged or acquitted in all cases under the Indian Penal Code and Local and Special Laws, it is impossible to resist the conclusion that the Magistracy has failed to utilize the provisions of Section 250, Criminal Procedure Code, to an adequate extent. The powers conferred by Section 250 furnish Magistrates with a convenient and effective weapon for dealing with the malevolent complainant and the inveterate litigant ; yet it is disappointing to find that, in spite of admonitions repeated with a re-iteration which becomes almost monotonous, the subordinate Indian Magistracy fails to act up to its responsibilities in enforcing this salutary provision of the law. It may be that some Magistrates abstain from awarding compensation in cases in which they might appropriately do so, because they shirk the slight extra trouble involved in following the prescribed procedure : others again may refrain from using their powers under Section 250, because they desire to avoid giving occasion for the case to be taken before an appellate court. District Magistrates, however, should be on the watch to check any such tendencies and should continue to impress upon their subordinate Magistrates the importance of enforcing systematically the provisions of Section 250 of the Criminal Procedure Code.

The statistics in Judical Statement No. 2 show that out of 717 persons who were actually tried on charges of offences relating to marriage, no less than 646 were acquitted or discharged. Now it is a matter of common experience in this Province that complaints of bigamy, adultery, and enticing away a married woman, are frequently preferred in respect of a female who has only been betrothed either to the complainant or to one of his deceased relations. On investigation it transpires that the complainant is really claiming damages for breach of betrothal or customary compensation on account of the marriage of the female. His claim is essentially of a civil nature, and the law already provides him with a simple method of obtaining satisfaction by means of proceedings under Section 8 of the Frontier Crimes Regulation. Nevertheless the complainant prefers to bring his claim in the guise of a false complaint of a criminal offence in order to put extra pressure on the opposite party. A man of this stamp, however, who deliberately tries to pervert the machinery of

criminal justice into the perpetration of injustice, deserves no leniency: and he should at least be made to pay a summary penalty under Section 250 of the Code of Criminal Procedure for the benefit of the parties whom he has vexatiously harassed.

OFFENCES UNDER THE INDIAN PENAL CODE.

Offences under the Indian Penal Code.
Judicial Statement No. 2.

4. Of the total number of 18,471 offences of all kinds reported during the year, 10,383 or 56 per cent. as compared with 57 per cent. in 1905 were under the Indian Penal Code and of these 6,347 or 61 per cent. as against 63 per cent. in 1905 were returned as true. The table given below shows the number of offences reported, admitted and brought to trial under the Indian Penal Code during the past two years in each district :—

District.	Year.	Offences reported.	Offences admitted to have occurred.	Offences brought to trial.	Cases ending in conviction.	Percentage of convictions to offences	
						Admitted to have occurred.	Brought to trial.
Peshawar ...	1905	3,470	2,336	2,135	819	35	38
	1906	3,812	2,523	2,216	761	30	34
Hazara... ...	1905	2,314	1,178	1,009	436	37	43
	1906	2,163	1,120	982	350	31	36
Kohat	1905	1,492	1,015	788	348	34	44
	1906	1,495	957	754	338	35	45
Bannu	1905	1,619	1,111	952	287	26	30
	1906	1,591	936	835	234	25	28
Dera Ismail Khan ...	1905	1,288	771	683	235	30	34
	1906	1,322	811	732	224	28	31
Total ...	1904	10,356	6,745	5,938	2,149	32	36
	1905	10,183	6,411	5,567	2,125	33	38
	1906	10,383	6,347	5,519	1,907	30	35

It will be observed that there has been a steady decrease in the number of offences returned as true; but there has also been an appreciable falling off in the total percentage of convictions secured during 1906 as compared with the preceding year. In connection with the lower percentage of convictions in the Peshawar District, the Sessions Judge offers the following comments, which possess much force :—

"It is unsatisfactory to have to note the fall in the percentage of convictions in cases under the Penal Code. As the District Magistrate points out it is in the courts of the 2nd and 3rd Class Magistrates that the percentage of convictions is low. It is of course in these courts that the majority of false cases is instituted. The fault lies with the Magistrates themselves. They will not take on themselves the responsibility of summarily dismissing cases or of fining in vexatious cases. It is not that the appellate courts of the district interfere too much with their decisions or demand too high a quality of evidence in these cases or interfere on merely technical grounds, as is shown in the small number of appeals laid from convictions by 2nd and 3rd class Magistrates. I am afraid too, that in some instances the temptation to discharge and acquit proves too great for these Magistrates. It is so much easier and saves so much time and trouble to get rid of a case by discharging or acquitting the accused after recording the evidence, than to have to think out a finding for conviction which will stand the test of appeal."

Serious offences under the Indian Penal Code admitted to have occurred; Provincial Appendix A.

5. The Provincial Appendix A., attached to the returns shows for each district of the Province the number of offences admitted to have occurred under the most important heads of crimes. The totals for 1904 and 1905, have also been added for purpose of comparison. There has been a steady diminution of serious crime during the past three years: the decrease in 1906 has been shared by all districts except Peshawar, which exhibits an unimportant rise.

Murders in the Peshawar District have risen from 70 in 1904, and 80 in 1905, to 97 in the year under report. The District Magistrate has not assigned any special reason for this increase, which has been accompanied by a falling off in other offences affecting life. Of the 24 dacoities committed during the year, 10 were the work of trans-border gangs.

The statistics for Hazara continue to show a steady diminution in serious offences: there is less henious crime in Hazara, in proportion to the population, than in any other district of the Province. In the Kohat District, owing to its long-drawn line of frontier, the law-abiding sections of the population are peculiarly exposed to the depredation of marauders from across the border. All the 15 cases of dacoity reported during the year, in four of which murder was committed, were the work of out-laws and trans-frontier men. Although under these circumstances dacoity cannot be said to be a normal form of crime in the Kohat District, there is no doubt that some of our own subjects facilitate the operations of these outlaw gangs in British territory by furnishing them with food and shelter and secret information. Towards the close of the year the District Magistrate had occasion to take security for good behaviour from a number of village headmen and others who were found to have been harbouring and rendering assistance to a gang of robbers and outlaws in the Shakurdarra tract.

In the Bannu District a local Mullah was prosecuted under Section 124A. for preaching disaffection and incitement to fanatical murder; he was convicted after trial by jirga and sentenced to a long term of imprisonment. Commenting on this case the District Magistrate writes:—

"Considering the unenviable notoriety attained by Bannu of late in matters of this nature, it is most satisfactory that these Mullahs should be caught and brought to book before their preaching can have time to take effect. A good reward was paid to the man who gave the information which led to the arrest and conviction of the Mullah."

There were only two cases of dacoity in the Bannu district during the year, and both of these were committed by transborder men. Three out of 19 murders were the result of blood feuds: in one of these cases the village maliks had given assurances that security was not necessary to avert bloodshed; in consequence of the breach of their guarantee, the allowances of the maliks were forfeited for a period of two years.

Cases of rioting in the Derajat Division fell from 49 in 1905 to 29 in 1906. In connection with riot cases the Sessions Judge observes:—

"The Indian Magistrate rarely succeeds in grasping the principles of the law of rioting, and the result is that it often happens that a brawl in a *chowk* or village street, which is really nothing but an affray, is treated as a riot. The figures for rioting are not always reliable in consequence. The points on which Magistrates most frequently go wrong is that they fail to understand that there must be a "common object," and until this has been established there can be no riot. I have often noticed this mistake in appeals and in many cases the common object is not set forth in the charge sheet as it should be."

LOCAL AND SPECIAL LAWS.

Offences under Local and Special Laws. Judicial Statement No. 2 A.

6. The number of offences reported under Local and Special Laws was 8,088, as against 7,775 in 1905. The only noticeable variations in the district returns are to be found in Peshawar, where a marked increase of prosecutions under the lambardars and chowkidar's rules was ascribed to greater activity in punishing omissions to report occurrences of births and deaths correctly. Offences falling under the Arms Act were 208, as against 206 in 1905: these figures would appear now to represent the normal number of prosecutions under the Arms Act annually.

Miscellaneous proceedings under the Criminal Procedure Code. Judicial Statement No. 3, and security cases under the Frontier Crimes Regulation. Judicial Statement No. 2-A.

7. The table given below shows for each district the number of persons proceeded against for security to keep the peace and for good behaviour and also the number of persons dealt with under the security provisions of the Frontier Crimes Regulation, during the past two years.

PROCEEDINGS.	Year	TOTAL PERSONS.									
		PESHAWAR.		HAZARA.		KOHAT.		BANNU.		D. I. KHAN.	
		Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of.	Convicted.
Breach of peace, Chapter VIII, Criminal Procedure Code.	1905	1,543	776	253	130	1,592	650	535	476	271	114
	1906	933	468	310	142	898	382	739	356	420	254
To prevent murder, Section 40, Frontier Crimes Regulation.	1905	9	9	6	4	3	3	20	20	17	16
	1906	42	40	10	7	27	22	25	25	20	20
Families with blood feuds, Section 41, Frontier Crimes Regulation.	1905	1,494	1,158	50	50	818	692	563	537	6	6
	1906	1,854	1,528	28	28	946	586	481	477	10	7
Further Security, Section 46, Frontier Crimes Regulation.	1905	320	282	...	...	89	70	...	...	...	...
	1906	305	277	...	...	206	140	...	...	...	...
TOTAL ...	1905	3,366	2,225	309	184	2,502	1,415	1,118	1,033	294	136
	1906	3,134	2,313	348	177	2,077	1,130	1,245	858	450	281
Security for good behaviour, Section 110, Criminal Procedure Code.	1905	216	152	52	36	139	100	101	53	65	29
	1906	205	133	62	44	110	86	121	99	54	46

There has been a steady and continuous fall in the number of persons bound over to keep the peace in the Peshawar District of late years, and at the same time there has been a corresponding rise in the number of persons bound over under Section 41, Frontier Crimes Regulation. This counter-balancing rise is a satisfactory feature rather than otherwise: for security under Section 41, Frontier Crimes Regulation, being more comprehensive in its scope than security taken under Section 107, Criminal Procedure Code, is the more suitable form of prophylactic in all those cases of quarrels among Pathans which are likely to lead not merely to a breach of the peace but to bloodshed.

The statistics show that out of 3,300 persons against whom proceedings were taken under Section 107, Criminal Procedure Code, only 1,602 or 49 per cent. were bound over in security. In other words no less than 1,698 persons in this Province were dragged into the Courts in Section 107 proceedings and then discharged : this is not creditable to the magistracy : many of these 1,698 persons must have been summoned to court without sufficient reason : the reason for these unfortunate results is the usual one, namely failure on the part of the Magistrates to examine the complainant thoroughly in the first instance so as to get at the real facts before issuing process. Kohat and Bannu make a particularly bad showing in this respect : in Bannu one individual Magistrate was responsible for the large number of discharges, for he was in the habit of issuing wholesale processes as a matter of course upon applications in which a single complainant asked for security to be taken from several scores of persons to keep the peace. The Magistrate in question has since been constrained to alter his practice and procedure.

I consider that it is unfortunate that the scope of Section 250 does not cover a frivolous or vexatious application for security under Section 107, Criminal Procedure Code, inasmuch as such an application is not a "complaint" in respect of an "offence" as these expressions are defined in Section 4 of the Code. Yet the trouble and annoyance to which a malevolent complainant can subject an innocent party by dragging him into court upon a vexatious application for security to keep the peace are probably not much less than would be entailed by preferring a vexatious complaint of a petty offence under the Penal Code, while the risks to the complainant of being prosecuted for laying a false information are much less. The question of altering Section

250 so as to bring frivolous or vexatious applications for security to keep the peace within its penal scope is one which, I think, might be taken into consideration when the Criminal Procedure Code next comes under amendment: the suggested alteration is in my opinion one which would be fraught with much advantage to the administration of criminal justice.

The number of persons bound over in security for good behaviour in the province was 418, as against 370 in 1905. The most noticeable feature of the statistics is the steady decline which has been going on of late years in the number of bad characters bound over in the Peshawar District, from 360 in 1903, 285 in 1904, and 152 in 1905, to 143 in 1906. No explanation has been offered for this decline and the attention of the District Magistrate will be invited to the point. Although there has been an appreciable decrease in serious crime during the last four years (*vide* Provincial Appendix A,) it has not been sufficient to account for the falling off in cases of security for good behaviour: and it will probably not be contended that the supply of "badmashes" in the Peshawar District has diminished to any great extent in the last two or three years.

GENERAL RESULT OF CRIMINAL TRIALS.

8. Out of 26,636 persons under trial during the year the cases of 26,301 were disposed of. Of these 13,481 or 51 per cent as against 49 per cent. in 1905 were acquitted or discharged. District Magistrates disposed of 69 cases under their ordinary powers, 42 under their enhanced powers and 1,512 under Frontier Crimes Regulation, as compared with 133, 53 and 1,531 cases respectively in 1905. Additional District Magistrates disposed of 113 cases under their enhanced powers as against 105 in 1905.

General result of criminal trials. Judicial Statement No. 4.

The provisions of Section 562, Criminal Procedure Code, were applied in the case of 28 persons.

9. Honorary Magistrates sitting singly and in benches disposed of 1,224 cases as against 1,251 in 1905. Nawab Arbab Muhamad Hussain Khan, who now exercises enhanced powers under Section 30, Criminal Procedure Code, and the Peshawar City Bench are deserving of special mention for their outturn of magisterial work.

Honorary Magistrates.

10. Four European British subjects were tried during the year before the Cantonment Magistrate Peshawar in two cases under Sections 379 and 411, Indian Penal Code: in each case one accused was convicted and sentenced to three months' rigorous imprisonment.

European British Subjects.

PUNISHMENTS.

11. The district returns show that solitary confinement was awarded to 1,162 persons only out of 2,385 persons sentenced to rigorous imprisonment. The proportion of sentences in which solitary confinement was awarded as part of the punishment was much lower in the Peshawar than in the Derajat Division. In this connection the Sessions Judge of Peshawar remarks:—

Punishments. Judicial Statement No. 5.

"It is to be regretted, I think, that the percentage of persons sentenced to solitary confinement was not greater. I believe that solitary confinement is the part of a sentence which a Pathan dislikes most."

12. The total fines imposed during the year amounted to Rs. 98,547 as compared with Rs. 76,647 in 1905. Realizations amounted to Rs. 97,644 or 99 per cent as compared with 86 per cent in 1905. Out of the total realizations a sum of Rs. 11,143 was paid as compensation. In the Peshawar District fines imposed under the Frontier Crimes Regulation rose from Rs. 4,796 in 1905 to Rs 24,669. Out of this sum no less than Rs. 17,000 was imposed under Section 22, Frontier Crimes Regulation. This large amount was imposed on 11 villages in consequence of (*a*) frequent thefts in Nowshera Cantonment (*b*) apathy displayed by the villagers in the transborder raids from Ambhar Utmankhel and (*c*) on account of murders.

Fines.

13. The number of sentences of whipping passed totalled 173 under the Whipping Act and 15 under the Frontier Crimes Regulation as compared with 251 and 44 in 1905. The decrease in this form of punishment is spread over all districts except Dera Ismail Khan, and is ascribable partly to forgetfulness and partly to antipathy: European Magistrates often forget to impose a sentence of whipping in cases in which it would be appropriate, while Indian Magistrates are generally reluctant to order its infliction. Only 10 juvenile offenders were sentenced to whipping in lieu of other punishment.

Whipping. Judicial Statement No. 5 A.

APPEALS AND REVISIONS.

14. Out of 912 persons who appealed to the Courts of Session 273 persons had their sentences altered or reversed. Sessions Judges and District Magistrates enhanced the sentences on 28 persons on appeal during the year under report: these figures show that the power of enhancement continues to be exercised very sparingly.

Appeals and Revisions. Judicial Statement No. 6.

The average duration of appeals was 12 days in the Court of District Magistrates and 8 days in the Courts of Session.

FRONTIER CRIMES REGULATION.

15. A table is attached as Provincial Appendix B showing the number of cases disposed of after reference to Councils of Elders under Section 11 of the Frontier Crimes Regulation in each district during the past three years. The statistics are satisfactory in as much as they show that the number of criminal references to Jirga has decreased while the percentage of persons convicted has increased during 1906. It must be remembered that trial by a Jirga tribunal is a method which is merely supplementary to trial by the tribunals and under the procedure provided by the regular law: the former must not be allowed to usurp the place of the latter. Provided that discrimination is used in selecting cases for reference to Jirga, and that care is exercised in nominating the members of the Jirga, the Frontier Crimes Regulation can be made to play a very useful part in the criminal administration of this Province by bringing to justice offenders whom the regular law would be powerless to reach.

Frontier Crimes Regulation. Provincial Appendix B.

The District Magistrate of Bannu advocates the inclusion of Section 216 A, Indian Penal Code, in the list of offences for which whipping can be inflicted as an additional punishment under Section 6, Frontier Crimes Regulation. His remarks are reproduced herewith :—

"In this connection I would urge the inclusion of Section 216-A, Indian Penal Code in the list of offences for which whipping can be inflicted under Section 6, Frontier Crimes Regulation. What is wanted above all things in these cases is to give punishment which shall deter others from giving assistance to raiders, and there is no sentence so deterrent as whipping. All the other sections relating to the commission of dacoity, robbery and kindred offences are included in Section 6, Frontier Crimes Regulation and it would be of the greatest benefit if those by whose aid the offences are committed were also liable to whipping."

SESSIONS COURTS.

16. The following table shows the criminal business disposed of in the two Sessions Courts of this Province during the past two years :—

Work of Sessions Courts.

SESSIONS COURTS.	SESSIONS CASES.		CRIMINAL APPEALS.		APPLICATIONS FOR REVISION.	
	1905	1906	1905	1906	1905	1906
Peshawar	47	67	344	391	133	76
Derajat	37	37	246	305	32	72

The average duration of Sessions cases was 37 days in Peshawar and 36 days in the Derajat; similarly in appeals the average duration was 10 and 12 days, respectively. The criminal business in both Courts was well in hand and up to date at the close of the year, when the total of pending appeals was 15 only.

JUDICIAL COMMISSIONER'S COURT.

Work in Judicial Commissioner's Court.

17. The following table exhibits the amount of criminal business disposed of in this court during the past two years :—

YEAR.	MURDER REFERENCES.		CRIMINAL APPEALS.		CRIMINAL REVISIONS.	
	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
1905	27	27	109	145	104	177
1906	38	38	163	215	146	265

Capital sentences passed by the Courts of Session were confirmed in the case of 20 persons and commuted in the case of 5 persons to transportation for life. Five persons were acquitted while the remaining 13 were sentenced to various terms of imprisonment. In addition to the above disposals 7 appeals and three applications for revision from transfrontier Political Agencies were decided during the year.

Lieutenant-Colonel Inglis officiated as Judicial Commissioner from the beginning of the year till the 20th November 1906, when I resumed charge on return from furlough.

Lieutenant-Colonel Inglis inspected the Courts at Kohat, Bannu, and Dera Ismail Khan during the year under report.

GENERAL.

Procedure.

18. Sessions Judges and District Magistrates called for and examined the records of 110 and 390 decided cases respectively, in order to satisfy themselves of the correctness of the procedure followed by the lower courts.

The Sessions Judge, Derajat, points out that in the Kohat District the provisions of the law regarding the method of recording confessions are frequently not observed by the subordinate Magistracy; and that in consequence of these defects it has been necessary to summon the recording Magistrate as a witness in the Sessions trials to prove that the confession had been duly made. Such irregularities on the part of Magistrates are quite inexcusable. In this connection I may observe that the practice on the part of the Police of producing accused persons before 2nd and 3rd class Magistrates to have their confessions recorded under Section 164, Criminal Procedure Code, at head-quarter stations and other places where first class Magistrates are available, is to be deprecated on many grounds. The higher the grade of the Magistrate, the greater will be the presumed value of the confession recorded; and whenever there is a first class Magistrate conveniently available, prisoners should be brought before him for the purposes of Section 164 in preference to being taken before a Magistrate of lower grade.

District Courts.

19. The reports received from Kohat and Bannu were very full and carefully compiled; they reflect the interest which the District Magistrates, Major Waterfield and Captain Keen, take in the Administration of Criminal Justice within their respective charges.

C. E. F. BUNBURY,
Judicial Commissioner, N.-W. F. Province.

JUDICIAL STATEMENT No. 1.—(Civil and Criminal.)

STATEMENT SHOWING THE NUMBER OF JUDICIAL DIVISIONS AND THE NUMBER OF OFFICERS EXERCISING APPELLATE OR ORIGINAL JURISDICTION IN THE NORTH-WEST FRONTIER PROVINCE ON THE LAST DAY OF THE YEAR 1906 WITH THE COST OF TRIBUNALS.

Imperial. JUDICIAL STATEMENT

STATEMFNT SHOWING THE NUMBER OF JUDICIAL DIVISIONS AND THE NUMBER OF FRONTIER PROVINCE ON THE LAST DAY OF

Name of Province.			Area in square miles.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.
1			2	3	4	5	6
N.-W. FRONTIER PROVINCE.	Territory subject to the High Court	Civil	13,197	2,050,724	2	5	16
		Criminal			2	5	16
		Revenue			...	...	...
	Territory not subject to the High Court	Civil	...	...	...	...	...
		Criminal	...	...	...	...	...
		Revenue	...	...	...	...	...

No. 1.—(*Civil and Criminal.*)

OFFICERS EXERCISING APPELLATE OR ORIGINAL JURISDICTION IN THE NORTH-WEST THE YEAR 1906, WITH THE COST OF TRIBUNALS.

Total number of officers exercising original or appelate jurisdiction.					Total number of cases decided.				Total receipts of the Courts	Total charges of the Courts	Remarks.
					Original.		*Appeals.*				
Judges of Chief Court of province	Judges of other Courts superior to Chief Dist. Courts	Judges of Chief Courts of Districts	Judges of District Courts other than Chief Courts.	Judges of other sub-ordinate Courts	Regular.	Miscellaneous.	Regular.	Miscellaneous.			
7	8	9	10	11	12	13	14	15	16	17	18
1	2	4	24	31	24,093	5,139	1,761	155	Rs. 3,45,795	Rs. 5,67,299	
1	2	5	27	66	12,179	10,314	1,213	36			

Grades of Judicial Officers.		Europeans.	Natives.
Officers exercising both original and appellate jurisdiction.	High Court Judges	1	...
	Divisional Judges	2	...
	District Judges	3	1
	Additional Judges	...	...
	Subordinate Judges	1	1
Officers exercising original jurisdiction only.	Small Cause Court Judges	2	...
	Munsifs ...	...	6

Imperial. JUDICIAL STATEMENT

Statement of offences reported and of persons tried, convicted and acquitted

	Description of Offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.
	1	2	3	4
	Offences against the State, Chapter VI of Indian Penal Code	1	1	1
	Do. relating to the Army and Navy ... ... Chapter VII	...	...	...
	Do. against the public tranquillity ... ... „ VIII	191	116	119
	Do. by or relating to public servants ... ... „ IX	16	13	13
	Contempts of the lawful authority of public servants ... „ X	163	148	148
	False evidence and offences against public justice ... „ XI	146	121	124
	Offences relating to coin and Government stamps ... „ XII	15	10	11
	Do. do. to weights and measures ... ... „ XIII	5	5	5
	Do. affecting the public health, safety convenience, decency and morals ... „ XIV	30	25	24
	Do. relating to religion ... ... „ XV	27	14	10
Offences affecting the human body, Chapter XVI.	Offences affecting life	252	216	224
	Attempts	57	34	33
	Causing of miscarriage, injures to unborn children, exposure of infants, and the concealment of births	15	12	10
	Hurt	2,637	1,704	1,618
	Wrongful restraint and wrongful confinement	140	69	68
	Criminal force and assault	590	373	369
	Kidnapping, forcible abduction, slavery and forced labour	74	29	29
	Rape	23	8	5
	Unnatural offence	33	14	14
Offences against property, Chapter XVII.	Theft	1,362	767	561
	Extortion	43	14	12
	Robbery and dacoity	130	60	36
	Attempts	25	19	4
	Criminal misappropriation of property	93	51	49
	Criminal breach of trust	276	117	110
	Receiving of stolen property	226	176	203
	Cheating	157	73	74
	Fraudulent deeds and disposition of property	9	2	2
	Mischief	844	429	366
	Criminal trespass	1,736	1,200	769
	Offences relating to documents and to trade or property marks, Chapter XVIII	30	9	10
	Criminal breach of contracts of service ... ... „ XIX	3	2	2
	Offences relating to marriage ... ... „ XX	702	335	326
	Defamation ... ... „ XXI	32	12	12
	Criminal intimidation, insult and annoyance ... ... „ XXII	300	169	159
	Total ...	10,383	6,347	5,519
	Offences under Special and Local Laws	8,088	6,611	6,629
	Grand Total ...	18,471	12,958	12,148

No. 2.—(*Criminal*).

of each class of offences in the N.-W. Frontier Province in the year 1906.

Number of persons.					Remarks.
Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another Province.	Remaining under trial.	
5	6	7	8	9	10
1	...	1	...	...	
...	...	...	...	...	
1,020	338	665	3	14	Rs. 15 awarded under Section 250, Criminal Procedure Code.
19	6	13	...	...	
254	98	149	1	6	Rs. 57 " " " "
178	62	113	...	3	Rs. 30 " " " "
11	2	9	...	...	
9	4	5	...	...	
53	41	12	...	...	Rs. 6 " " " "
24	22	2	...	...	
632	308	237	2	85	
55	21	30	...	4	
13	2	11	...	...	
4,125	3,390	669	2	64	Rs. 366-8-0 " " " "
213	172	40	...	1	Rs. 13 " " " "
873	745	122	...	6	Rs. 165 " " " "
63	46	17	...	...	Rs. 15 " " " "
7	5	2	...	...	
20	8	12	...	...	
938	488	442	...	8	Rs. 233 " " " "
27	22	4	...	1	Rs. 4 " " " "
137	63	66	...	8	
4	2	2	...	...	
99	76	23	...	...	Rs. 3 " " " "
150	103	45	...	2	Rs. 71 " " " "
301	93	207	...	1	Rs. 10 " " " "
107	73	33	1	...	Rs 12 " " " "
5	3	2	...	...	
976	898	56	...	22	Rs. 163 " " " "
1,941	1,535	368	1	37	Rs. 249 " " " "
18	5	13	...	...	
2	1	1	...	...	
728	646	71	...	11	Rs. 180 " " " "
26	26	...	...	...	
277	248	26	...	3	Rs. 20 " " " "
13,306	9,552	3,468	10	276	Rs. 1,612-8 " " " "
13,014	3,929	9,024	2	59	Rs. 113 " " " "
26,320	13,481	12,492	12	335	Rs. 1,725-8 " " " "

Imperial. JUDICIAL STATEMENT

Statement of offences reported and of persons tried, convicted and acquitted

Description of Offence.		Number of offences reported,	Number of cases returned as true.	Number of cases brought to trial during the year.
1		2	3	4
Offences under Local and Special Laws		...	...	...
Proceedings under the Code of Criminal Procedure		2,698	1,532	1,536
Breach of Laws relating to—				
Arms, Ammunition and Military Stores	Act XI of 1878 ...	236	208	226
Canals	„ VIII of 1873 ...	143	42	43
Cantonments, Military	„ III of 1880 ...	467	467	467
Cattle trespass	„ I of 1871 ...	192	90	84
City Chaukidars	„ XX of 1856 ...	...	...	...
Code of Civil Procedure	„ XIV of 1882 ...	...	...	...
Companies Act	„ VI of 1882 ...	...	...	...
Contract workmen	„ XIII of 1859 ...	114	101	100
Contract by workmen on Railways and other Public Works	„ IX of 1860 ...	...	...	...
Criminal Tribes and Eunuchs	„ XXVII of 1871 ...	...	...	...
Emigration	„ VII of 1871 ...	...	...	...
Excise on spirits and drugs	„ XII of 1896 ...	20	20	20
Factories	„ XV of 1881 ...	...	...	...
Farcy and Glanders	„ XX of 1879 ...	...	...	...
Ferries	„ XVII of 1878 ...	2	2	...
Foreigners	„ III of 1864 ...	...	...	...
Forest	„ VII of 1878 and „ II of 1879 ...	124	121	121
Gambling	„ III of 1867 ...	26	24	27
Hackney and Stage Carriage	„ XVI of 1861 and „ XIV of 1879 ...	217	216	216
License Act	„ II of 1878 ...	...	...	...
Marriages, Christian	„ XV of 1872 ...	...	...	...
Municipalities	„ IV of 1873 and „ XX of 1891 ...	286	282	282
Murderous outrages	„ XXIII of 1876 and „ IX of 1872 ...	...	...	...
Mutiny Act	„ VII of 1867 ...	...	...	...
Opium	„ I of 1878 ...	42	42	44
Pleaders	„ XVIII of 1879 ...	...	...	...
Police	„ V of 1861 ...	676	676	676
Post Office	„ XIV of 1866 ...	4	4	4
Printing Presses	„ XXV of 1867 ...	...	...	...
Prisons	„ XXVI of 1870 ...	2	2	2
Prostitutes	„ III of 1880 ...	...	...	...
Punjab Courts Act	„ XVIII of 1884 ...	1	1	1
Punjab Laws Act	„ IV of 1872 ...	563	560	561
Railways	„ IV of 1879 and „ IX of 1890 ...	26	19	24
Registration	„ III of 1877 ...	...	...	...
Salt and Saltpetre	„ XII of 1882 ...	20	20	20
Stamps	„ I of 1879 ...	5	5	6
Telegraph	„ I of 1876 and „ XIII of 1885 ...	12	10	2
Treasure Trove	„ VI of 1878 ...	1	1	1
Vagrancy, European	„ IX of 1874 ...	...	...	...
Wandering and dangerous lunatics	„ XXXVI of 1858 ...	...	...	...
Explosive Act	„ IV of 1884 ...	...	...	...
Cruelty to animals	„ XI of 1890 ...	37	37	38
Border Military Police	„ IV of 1904 ...	9	9	9
Serais and Paraus	„ XXII of 1867 ...	2	2	2
Transport animals	„ I of 1904 ..	3	3	4
Births and Deaths	„ ...	25	24	24
Frontier Regulations.				
Regulation VII of 1901	... ...	...	...	...
Do. III „ Section 22	... ...	24	24	24
Do. „ „ „ 29	... ...	13	13	13
Do. „ „ „ 30	... ...	47	36	34
Do. „ „ „ 33	... ...	5	5	5
Do. „ „ „ 35	... ...	145	144	144
Do. „ „ „ 36	... ...	106	94	94
Do. „ „ „ 37	... ...	29	28	28
Do. „ „ „ 40	... ...	63	61	61
Do. „ „ „ 41	... ...	1,487	1,470	1,470
Do „ „ „ 46	... ...	216	216	216
	Total ...	8,088	6,611	6,629

No. 2.—*(Criminal),*

of each class of offence in the N.-W. Frontier Province iu the year 1906.

Number of persons.					Remarks.
Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another Province.	Remaining under trial.	
5	6	7	8	9	10
...	...	...	...	...	
3,877	1,832	2,021	...	24	Rs. 10 awarded as compensation under Sec. 250, Cr. P. C.
255	62	186	...	7	„ 75 „ „ „ „
87	65	17	...	5	
770	145	625	...	...	
252	228	24	...	...	„ 28 „ „ „ „
...	...	...	...	...	
...	...	...	...	...	
...	...	...	...	...	
125	92	33	...	...	
...	...	...	...	...	
...	...	...	...	...	
...	...	...	...	...	
22	4	18	...	...	
...	...	...	...	...	
...	...	...	...	...	
...	...	...	...	...	
...	...	...	...	...	
326	113	207	...	6	
187	58	122	...	7	
242	18	224	...	...	
...	...	...	...	...	
...	...	...	...	...	
340	42	297	...	1	
...	...	...	...	...	
...	...	...	...	...	
56	11	45	...	...	
...	...	...	...		
714	103	609	...	2	
4	...	3	1	...	
...	...	...	...	...	
2	...	2	...	...	
...	...	...	...	...	
1	...	1	...	...	
888	278	603	...	7	
40	6	34	...	...	
...	...	...	...	...	
40	6	33	1	...	
14	5	9	...	...	
2	2	...	...	...	
7	...	7	...	...	
...	...	...	...	...	
...	...	...	...	...	
...	...	...	...	...	
43	...	43	...	...	
16	1	15	...	...	
2	...	2	...	...	
4	1	3	...	...	
25	13	12	...	...	
...	...	...	...	...	
16	...	16	...	...	
22	1	21	...	...	
34	18	16	...	...	
12	1	11	...	...	
449	7	442	...	...	
157	11	146	...	...	
29	9	20	...	...	
124	10	114	...	...	
3,319	693	2,626	...	...	
511	94	417	...	...	
13,014	3,929	9,024	2	59	

Imperial. JUDICIAL STATEMENT No. 3—(*Criminal*).

STATEMENT OF MISCELLANEOUS PROCEEDINGS UNDER THE CRIMINAL PROCEDURE CODE IN THE NORTH-WEST FRONTIER PROVINCE DURING THE YEAR 1906.

Nature of Proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1. Proceedings against witnesses under Chapter VIC and Section 485.	...	...	...	...	
2. Proceedings under Chapter VIII to prevent breach of the peace and Sections 40 and 46, Frontier Crimes Regulation.	2,787	7,391	2,495	4,875	
3. Proceedings under Chapter VIII, security for good behaviour and Section 39, Frontier Crimes Regulation.	510	552	134	405	
4. Proceedings against local nuisances, Chapter X.	9	37	20	17	
5. Possession, Chapter XII ...	116	360	235	125	
6. Frivolous or vexatious accusations summarily dealt with under Chapter XX, Section 250.	114	123	...	123	
7. Non-attendance of Jurors or Assessors, Chapter XXIII, Section 332.	...	...	...	...	
8. Maintenance, Chapter XXXVI...	280	280	186	94	
9. Forfeiture of bail or recognizance under Chapter XLII.	84	136	33	103	
10. Procedings under Chapter XLVI, Section 563, against convicted offenders released under Section 562.	27	28	8	20	
Total ...	3,927	8,907	3,111	5,762	

JUDICIAL STATEMENT No. 4.—(CRIMINAL).

STATEMENT SHOWING THE GENERAL RESULT OF CRIMINAL TRIALS IN THE TRIBUNALS OF VARIOUS CLASSES IN THE NORTH-WEST FRONTIER PROVINCE IN THE YEAR 1906.

STATEMENT SHOWING THE GENERAL RESULT OF CRIMINAL TRIALS IN THE TRIBUNALS OF

Class of Courts.	Total number of persons under trial. c	PERSONS WHOSE CASES					
		Died, escaped or transferred to another Province.	Discharged or acquitted.	CONVI			
				On regular trial.			
				Sentence passed.	Released on probation, Section 562, Criminal Procedure Code.	*Youthful offenders dealt with under Section 31, Act VIII of 1897.*	
						Discharged after admonition.	Delivered to parent or guardian, &c.
1	2	3	4	5	6	7	8
Village officers	...	...	...	...	...	...	...
Subordinate Magistrates. Special Magistrates under Section 14.	87	1	41	45	...	...	...
Subordinate Magistrates. Honorary Magistrates sitting singly	1,895	2	1,354	479	...	...	...
Subordinate Magistrates. Stipendiary „ „ ...	19,608	6	10,673	7,500	20	...	...
Subordinate Magistrates. Benches of Magistrates ...	865	...	508	198	...	...	...
District and Divisional Magistrates—Cases referred under Sections 347, 349, C. P. C.	16	...	3	12	1	...	...
Chief Magistrates of Districts ...	3,879	1	870	2,921	5	...	...
Courts of Sessions	247	2	27	124	...	...	...
Superior Courts	39	...	5	33	...	...	...
Total ...	26,636	12	13,481	11,312	26	...	...

No. 4.—(*Criminal.*)

VARIOUS CLASSES IN THE NORTH-WEST FRONTIER PROVINCE IN THE YEAR 1906.

WERE DISPOSED OF TED.									
ON SUMMARY TRIAL.									
Sentence passed.	Released on probation, Section 562, Criminal Procedure Code.	*Youthful offenders dealt with under Section 31, Act VIII of 1897.*		Committed or referred.	Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses.	REMARKS.
		Discharged after admonition.	Delivered to parent or guardian, &c.						
9	10	11	12	13	14	15	16	17	18
...	...	...	...	...	...	...	...	...	
...	...	...	...	...	...	47	11	74	
...	...	... ...	...	27	33	682	8	1,859	
967	2	...	...	195	245	9,119	8	26,183	
148	...	...	...	...	11	542	8	799	
...	...	...	...	...	...	8	2	...	
37	...	...	...	7	38	1,623	4	373	
...	...	...	...	87	7	120	33	1,629	
...	...	...	...	...	1	38	28	...	
1,152	2	...	...	316	335	12,179	8	30,917	

Imperial. JUDICIAL STATEMENT

STATEMENT SHOWING THE PUNISHMENTS INFLICTED BY THE VARIOUS

Class of Tribunal.	Persons sentenced to								Person ordered to find or given security or recognizance to keep the peace, or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.
	Death.	Transportation.	Penal servitude.	Imprisonment. Rigorous.	Imprisonment. Simple.	Forfeiture of property.	Fine.	Whipping		
1	2	3	4	5	6	7	8	9	10	11
Village Officers	...	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. Special Magistrates under Section 14 ...	...	...	...	8	...	...	37	...	...	...
Subordinate Magistrates. Honorary Magistrates sitting singly ...	...	...	...	123	1	...	152	4	228	...
Subordinate Magistrates. Stipendiary Magistrates sitting singly ...	...	...	...	1,955	84	...	4,263	157	2806	116
Subordinate Magistrates. Benches of Magistrates	...	...	...	38	1	...	309	2	...	...
District and Divisional Magistrates—Cases referred under Sections 347, 349, C. P. C.	...	...	...	7	...	...	6	4	4	...
Chief Magistrates of District	...	...	...	254	2	...	439	21	2191	16
Courts of Sessions	...	22	...	86	...	1	31	...	20	11
Superior Courts	20	5	...	8	...	...	...	...	...	...
Total ...	20	27	...	2,479	88	1	5,237	188*	5,249	143

*Includes 15 under Frontier Crimes Regulation. 146 persons were ordered to remove under Section 36, F. C. R.

No. 5—(*Criminal*).

CRIMINIAL TRIBUNALS IN THE NORTH-WEST FRONTIER PROVINCE IN THE YEAR 1906.

Detail on punishment.																	
Fine.									*Imprisonment.*					*Whipped.*			Number of boys whose sentences were commuted to detention in a Reformatory School.
Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	15 days and under.	6 months and under.	2 years and under.	7 years and under.	Above 7 years.	10 stripes and under.	20 stripes and under.	30 stripes and under.	
12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	
36	1	...	...	...	...	222	236	25	2	6	...	...	...	...	...	...	
94	54	2	2	...	...	2,525	1,714	319	2	70	42	10	...	...	1	3	
3,282	867	75	31	8	...	53,537	42,726	5,921	299	1,259	457	130	10	27	65	65	
295	14	...	...	...	...	935	945	5	2	37	...	...	...	...	1	1	
3	3	...	...	...	...	105	105	10	...	5	2	...	...	...	3	1	
325	50	28	25	2	9	38,383	51,251	4,631	3	55	58	96	60	2	11	8	
...	16	6	9	...	...	2,860	667	232	2	2	16	59	18	...	...	...	
...	...	...	...	...	...	...	...	...	...	...	...	3	5	...	...	...	
4,035	1,005	111	67	10	9	98,547	97,644	11,143	310	1,434	575	298	93	92	81	78	

Imperial.

JUDICIAL STATEMENT No. 5 A.—(*Criminal.*)

STATEMENT SHOWING THE PARTICULARS OF WHIPPINGS INFLICTED BY THE CRIMINAL TRIBUNALS DURING THE YEAR 1906.

PART I.

Showing whippings inflicted under Sections 2 and 3, Act VI of 1864, in lieu of other punishments.

Offences for which awarded.	Number of stripes awarded.			Total.
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	
In lieu of other punishments. (Sections 2 and 3, Act VI of 1864.)				
1. Theft as defined in ... Section 378, I.P.C.	19	33	15	67
„ 380, „	2	7	3	12
„ 381, „	1	...	4	5
„ 382, „	...	1	...	1
2. Extortion as defined in ... „ 388, „	...	...	...	...
„ 389, „	...	...	...	...
3. Dishonestly receiving stolen property as defined in „ 411, „	...	6	8	14
„ 412, „	...	...	...	...
4. Lurking house-trespass as defined in „ 443, „	...	...	...	...
5. Lurking house-trespass by night as defined in. „ 444, „	...	1	...	1
6. House-breaking as defined in ... „ 445, „	...	...	...	...
7. House-breaking by night as defined in „ 446, „	...	...	...	...
8. Offences under Section 52 of the Prisons Act, 1894 ...	...	...	...	...
9. Rape under Section 376	...	1	...	1
10. Grievous hurt 324	1	...	..	1
11. Offences under Section 457	...	4	4	8
12. „ „ „ 456	...	...	1	1
13. „ „ „ 454	...	3	4	7
14. „ „ „ 377	...	1	...	1
15. „ „ „ 459	...	...	2	2
16. „ „ „ 201	...	1	...	1
17. „ „ „ 193	1	...	...	1
On first conviction	24	57	41	122
On re-conviction	...	1	...	1
Total ...	24	58	41	123

Part II.

Showing whippings inflicted in addition to other punishments, Sections 3 and 4 Act VI of 1864.

Offences for which awarded.	Number of stripes. 5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	Total.
In addition to other punishments.				
(Sections 3 and 4.)				
A.—Section 3.				
1. Theft as defined in ... Section 378, I. P. C.	...	3	8	11
„ 380, „	...	1	1	2
„ 381, „	...	2	1	3
„ 382, „	...	...	...	...
2. Extortion as defined in ... „ 388, „	...	...	...	..
„ 389, „	...	...	...	...
3. Dishonestly receiving stolen property as defined in ... „ 411, „	...	2	6	8
„ 412, „	...	...	...	...
4. Lurking house-trespass as defined in „ 457, „	...	1	3	4
5. Lurking house-trespass by night as defined in ... ... „ 444, „	...	...	...	...
6. Hurt as defined in ... ... „ 324, „	...	1	1	2
7. Attempt to murder as defined in ... „ 307, „	...	...	1	1
8. Offence under Section 52 of the Prisons Act, 1894 ...	...	...	...	...
9. 325, I. P. C.	...	1	...	1
B.—Section 4.				
1. False evidence as defined in ... Section 193, I. P. C.	...	...	...	...
„ 194, „	...	...	...	...
„ 195, „	...	...	...	...
2. False charge of unnatural offence as defined in ... ... Sections 211 and 377, „	...	...	...	...
3. Assault as defined in ... Section 354, „	...	...	...	...
4. Rape as defined in ... ... „ 375, „	...	...	...	...
5. Unnatural offence as defined in... „ 377, „	...	...	1	1
6. Attempt ... ... „ 377 and 511, „	...	1	3	4
7. Robbery as defined in ... „ 390, „	...	...	...	...
8. Dacoity as defined in ... „ 391, „	...	...	...	...
9. Attempt at robbery as defined in „ 393, „	...	1	...	1
10. Hurt in committing robbery as defined in ... ... „ 395, „	...	...	2	2
11. Receiving stolen property as defined in ... ... „ 413, „	...	...	...	...
„ 463, „	...	...	...	...
„ 466, „	...	...	...	...
12. Forgery as defined in ... „ 467, „	...	...	...	...
„ 468, „	...	...	...	...
„ 469, „	...	...	...	...
13. Lurking house-trespass ss defined in „ 458, „	...	1	4	5
14. Lurking house-trespass by night as defined in ... ... „ 457, „	...	3	1	4
15. House-breaking as defined in ... „ 454, „	...	...	5	5
16. Assault as defined in ... „ 354, „	...	1	...	1
Total ...	...	18	37	55

Part III.

Showing whippings inflicted under Section 5, Act VI of 1864, on Juveniles for offences other than those specified in Parts I and II.

Offences.	Stripes.			Total.
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	
Sections 147-323	2	...	1	3
Section 241	...	1	...	1
„ 457	...	1	...	1
„ 325	...	1	...	1
„ 406	...	1	...	1
„ 323	2	...	...	2
„ 354	...	1	...	1
On first conviction	4	5	1	10
On reconviction	...	...	...	...
Total	4	5	1	10

Part IV.

Showing the relative number of times whipping was awarded as compared with other punishments in cases in which whipping might have been awarded.

Punishments.	Number.	Remarks.
1. Total number of whippings awarded...	188	
2. Total number of other punishments in cases in which whipping might have been awarded	1,020	
3. Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2)	1,203	
4. Percentage of whippings on total number of all punishments (percentage of heading 1 on heaning 3) ...	15·6	

JUDICIAL STATEMENT No. 6.—(CRIMINAL).

STATEMENT SHOWING THE RESULT OF APPEAL AND REVISION IN CRIMINAL CASES IN THE NORTH-WEST FRONTIER PROVINCE IN THE YEAR 1906.

Imperial. JUDICIAL STATEMENT

STATEMENT SHOWING THE RESULT OF APPEAL AND REVISION IN CRIMINAL

TRIBUNALS.	NUMBER OF				
	Total number of appellants and applicants for revision before the Court.	Died, escaped, transferred to another Province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.
1	2	3	4	5	6
APPEALS.					
To Chief Magistrates of Districts	553	...	38	318	18
„ Courts of Sessions	912	...	346	241	8
„ Superior Courts ... by persons convicted ...	222	...	32	104	1
„ Superior Courts ... by Government from judgments of acquittal ...	...	...	...	..	...
Total ...	1,687	...	416	663	27
REVISION.					
By Chief Magistrates of Districts	187	...	127	...	...
„ Courts of Sessions	150	...	101	...	...
„ Superior Courts	270	1	180	4	1
Total ...	607	1	408	4	1
GRAND TOTAL ...	2,294	1	824	667	28

No. 6.—(*Criminal*).

CASES IN THE NORTH-WEST FRONTIER PROVINCE IN THE YEAR 1906.

Persons.						Average number of days during which each appeal lasted.	Remarks. (Showing number of persons dealt with under Section 106 (3) of the Code or under Section 8, Clause (2) of the Reformatory School Act.)
Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.		
7	8	9	10	11	12	13	14
104	63	...	7	...	5	12	
188	85	...	21	...	23	8	
61	17	...	...	...	7	27	
...	...	...	...	...	...	...	
353	165	...	28	...	35	12	
...	...	...	35	16	9	10	
...	...	...	...	47	2	13	
30	19	...	30	...	5	13	
30	19	...	65	63	16	11	
383	184	..	93	63	51	12	

Imperial. JUDICIAL STATEMENT No. 13—(*Criminal*).

STATEMENT SHOWING THE USE OF JURIES AND ASSESSORS IN THE CRIMINAL COURTS IN THE NORTH-WEST FRONTIER PROVINCE IN THE YEAR 1906.

Class of Courts in which Jurors or Assessors are employed.	Established or average number of Jury or Assessors in each case and prescribed qualifications.	Number of accused persons in Jury Trials.				Number of accused persons in trials with assessors.				Remarks.
		Tried.	*As to whom the Judge.*			Tried.	*As to whom the Judge.*			
			Approved verdict.	Did not approve of verdict.	Made reference under Section 307, Criminal Procedure Code.		Agreed with all the Assessors.	Differed from one or more, but not from all the Assessors.	Differed from all the Assessors.	
1	2	3	4	5	6	7	8	9	10	11
Magistrates' Courts under Chapter X, C. P. Code, Jurors	...	...	...	...	...	...	...	...	...	
Courts of Sessions — Jurors ...	...	...	...	...	...	...	...	...	...	
Courts of Sessions — Assessors ...	3	...	...	...	...	172	103	19	50	
High Court, Original (Criminal) Jurisdiction Jurors	...	...	...	...	...	...	...	...	...	

PROVINCIAL APPENDIX A.

STATEMENT OF SERIOUS OFFENCES UNDER THE INDIAN PENAL CODE ADMITTED TO HAVE OCCURRED DURING 1906, IN EACH DISTRICT OF NORTH-WEST FRONTIER PROVINCE.

Offence.	Section.	Offences admitted to have occurred.							
		Peshawar.	Hazara.	Kohat.	Bannu.	D. I. Khan.	Total 1906.	Total 1905.	Total 1904.
Rioting	147, 148	46	2	14	8	7	77	124	119
Murder	302	97	8	34	19	6	164	172	141
Do. attempt	307	12	2	13	2	5	34	32	55
Culpable homicide	304	21	12	4	3	2	42	45	25
,, attempt	308	...	...	...	...	...	...	1	10
Hurt with aggravation ...	325 to 331	109	51	50	35	14	259	264	253
Kidnapping	363 to 369	8	4	4	4	2	22	21	32
Rape	376	1	...	2	3	2	8	10	7
Unnatural offence	377	9	...	2	1	2	14	28	30
Theft	379-382	320	89	156	82	120	767	750	912
Robbery	392-94	15	3	8	2	5	33	41	39
Dacoity with murder ...	396	6	2	4	...	...	12	14	11
,, other cases	395, 397, 398, 400, 401, 402	18	...	11	2	3	34	47	35
Receiving stolen property ...	411-414	70	45	26	16	19	176	196	229
Mischief with aggravation ...	429 to 433	65	37	22	14	9	147	133	188
Criminal trespass resulting in death or grievous hurt	459-460	6	1	...	...	...	7	7	7
,, for commission of other serious offences	454, 457, 458	241	107	166	73	65	652	741	727
,, other cases ...	453 and 456	4	7	1	...	2	14	13	13
Total 1906 ...		1,048	370	517	264	263	2,448	...	...
Total 1905 ...		10,22	431	567	324	283	...	2,639	...
Total 1904 ...		1,111	462	555	378	317	...	...	2,823

PROVINCIAL APPENDIX B.

STATEMENT SHOWING CRIMINAL REFERENCES TO COUNCILS OF ELDERS UNDER THE FRONTIER CRIMES REGULATION AND PERSONS DISPOSED OF AFTER SUCH REFERENCE IN EACH DISTRICT DURING THE YEARS 1904, 1905 AND 1906.

District.	References to councils of elders under F. C. R. disposed of.			Number of persons.						Percentage of conviction.		
				Tried.			*Convicted.*					
	1904.	1905.	1906.	1904.	1905.	1906.	1904.	1905.	1906.	1904.	1905.	1906.
Peshawar ...	77	96	87	289	378	337	130	113	133	45	30	39
Hazara ...	31	24	19	103	106	71	60	55	34	58	52	48
Kohat ...	26	27	22	61	81	65	34	46	37	56	57	57
Bannu ...	27	23	19	70	67	66	48	40	32	69	60	45
D. I. Khan ...	28	15	16	95	32	47	30	17	18	32	53	38
Total ...	189	185	163	618	664	586	302	271	254	49	41	43

REPORT ON THE ADMINISTRATION OF CRIMINAL JUSTICE IN THE NORTH-WEST FRONTIER PROVINCE DURING THE YEAR 1907.

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REPORT

ON THE

ADMINISTRATION OF CRIMINAL JUSTICE

IN THE

NORTH-WEST FRONTIER PROVINCE

DURING THE YEAR

1907.

PUBLISHED BY AUTHORITY.

Price Re. C-13-0 or 1 shilling 1 pence.

PESHAWAR:

GOVERNMENT PRESS, NORTH-WEST FRONTIER PROVINCE.

1908.

Proceedings of the Hon'ble the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province, No. 1709-G, dated 7th September 1908.

READ—

The Report on the Administration of Criminal Justice in the North-West Frontier Province for the year 1907.

REMARKS.—The gradual improvement in the criminal statistics of the Province, which has been very marked during recent years, came to an abrupt termination, the total number of offences reported during the year under report being the highest recorded since 1902. Though this reaction may to some extent be ascribed to the disturbing influence of an unsettled border, the Chief Commissioner concurs with the Judicial Commissioner in holding that the recrudescence of crime, especially of burglary, may be largely attributed to the failure on the part of the District authorities to make sufficient use of the preventive sections of the Criminal Procedure Code.

2. The percentage of convictions obtained to offences brought to trial was 33 as against 35 in 1906 and 38 in 1905. These figures are disappointing, though it is satisfactory to note that the falling off has not occurred under the more serious heads of crime, but in the great mass of petty offences, regarding which a greater discretion might easily be exercised by Subordinate Magistrates. Petty criminal litigation is best kept in check by a discriminating use of Section 250, Criminal Procedure Code; but though Magistrates have been frequently adjured to avail themselves of this provision of the law in their own interests as well as in those of the general public, the number of cases in which compensation is demanded from the complainant tends to decline rather than to increase. The consequences of this laxness are strikingly exemplified in the year's returns.

3. Section 203, Criminal Procedure Code, was more freely resorted to, though the remarks of the District Magistrate, Kohat, seem to show that there is room for further improvement in this direction. The fact that in one district out of 119 persons accused of offences relating to matrimony only 3 were convicted is in itself a sufficient indication that process is too often issued without due regard to the character or probability of the complaint, while the proportion of discharges in proceedings under Section 107, Criminal Procedure Code, in the Hazara and Dera Ismail Khan districts justifies the assumption that the Criminal Courts, owing to the superficiality of the preliminary enquiries, are still too freely misused as an engine for the vexation of private enemies.

4. The Chief Commissioner concurs with the Judicial Commissioner in the remarks contained in paragraph 9 of the Report. The responsibility of deciding whether in any particular instance a dangerous feud exists or not must rest with the local Magistrate, who should be the sole arbiter as to whether a composition effected between the parties is acceptable or not. In such matters the Police and Magistracy cannot work on independent lines without disastrous consequences such as resulted in the instances quoted, and Sir George Roos-Keppel trusts that this defective procedure needs no further condemnation.

5. In spite of their increased burden the ordinary Criminal Courts worked with efficiency and despatch. The decline in the number of criminal cases referred to Councils of Elders and the increase in the percentage of convictions obtained through their verdicts furnish a satisfactory indication that the Frontier Crimes Regulation is administered with discretion. Among Honorary Magistrates Nawab Arbab Muhammad Hussain Khan, Khan Bahadur Arbab Muhammad Azam Khan and Fakir Abul Hassan deserve honourable mention for their disinterested labours.

6. The thanks of the Chief Commissioner are due to Mr. C. E. F. Bunbury for his administration of the Department and for his interesting report.

ORDER.—Ordered, that a copy of the Review be forwarded to the Judicial Commissioner, North-West Frontier Province, for information, and that it be circulated with the Report, and the usual number of copies forwarded to the Government of India, Home Department.

By order of the Hon'ble the Agent to the Governor-General and Chief Commissioner,

J. L. MAFFEY,

Assistant Secretary to the Hon'ble the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province.

N.-W. F. P. Govt. Press, Peshawar.—175 S. to C. C.—7-9-08—208.

No. 383.

FROM

C. E. F. BUNBURY, ESQUIRE, I. C. S.,

Judicial Commissioner, North-West Frontier Province,

Peshawar,

To

A. H. GRANT, ESQUIRE, C.I.E., I. C. S.,

Secretary to the Hon'ble the Chief Commissioner,

North-West Frontier Province.

Dated Peshawar, the 21st July 1908.

SIR,

I HAVE the honour to submit the Annual Report on the Administration of Criminal Justice in the North-West Frontier Province during the year 1907, together with the statistical tables prescribed by the Government of India.

I have the honour to be,

SIR,

Your most obedient Servant,

C. E. F. BUNBURY,

Judicial Commissioner, N.-W. F. Province.

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Statement showing the Criminal references to Councils of Elders under the Frontier Crimes Regulation in each district during three years 1905, 1906 and 1907.

Annual Report on the Administration of Criminal Justice in the North-West Frontier Province during the year 1907.

GENERAL REVIEW OF OFFENCES.

1. The total number of offences reported during the year was 19,720 as against 18,471 in 1906, and is the highest since 1902. Of this total 14,004 or 71 per cent. as compared with 70 per cent. in 1906 were returned as true.

Offences reported and admitted as true—Judicial Statement No. II.

The table given below exhibits the fluctuations in each district of the Province during the past two years :—

District.	Offences reported.		Complaints dismissed *in limine*.		Cases struck off as false.		Offences admitted to have occurred.		Cases brought to trial.		Percentage of cases brought to trial to offences admitted.	
	1906.	1907.	1906.	1907.	1906.	1907.	1906.	1907.	1906.	1907.	1906.	1907.
Peshawar ...	7,491	8,467	1,243	1,236	390	377	5,858	6,854	5,549	6,724	95	98
Hazara ...	3,187	3,435	1,284	1,512	81	71	1,822	1,852	1,661	1,547	91	83
Kohat ...	2,966	3,163	451	428	276	253	2,239	2,482	2,081	2,303	93	93
Bannu ...	2,952	2,923	1,110	1,181	73	41	1,769	1,701	1,675	1,580	94	93
Dera Ismail Khan.	1,875	1,732	533	577	72	40	1,270	1,115	1,182	971	93	87
Total ...	18,471	19,720	4,621	4,934	892	782	12,958	14,004	12,148	13,125	94	94

2. There has been a steady rise in the number of complaints dismissed summarily during the past three years: and in so far as this increase means that a larger number of people each year have been saved from the vexation and harassment of being dragged into the Criminal Courts unnecessarily, it is a satisfactory feature of the Magisterial working. In Kohat an increase in the number of offences reported has been accompanied by a falling off in the number of complaints thrown out summarily. The District Magistrate does not consider this result satisfactory, and thinks there was ample scope for a freer recourse to Section 203 of the Criminal Procedure Code. His remarks on the subject are reproduced below :—

Complaints dismissed *in limine*.

"The time-worn criticism that Magistrates still persist in wasting their own time and in putting many persons to unnecessary trouble and expense, simply because the procedure laid down in Sections 202 and 203, Criminal Procedure Code, is not sufficiently resorted to, again forces itself forward. A glance at Statement II will show that the grounds for this assertion are more than sufficient. For example: of 503 persons brought before the Courts in hurt and assault cases only 157 were convicted, while in offences relating to marriage (Sections 493 to 498) only 3 persons were found guilty out of 119, who actually stood their trial. It is a

matter of regret that the repeated injunctions to Magistrates to carefully consider the complaints on their merits at the outset with a view to ascertaining whether there is sufficient ground for proceeding have so far failed of their object. The worst offenders are usually Tahsildars and Naib Tahsildars, who in many cases prefer to issue process in order to improve their returns."

The number of complaints which were referred to the Police before being summarily thrown out has fallen steadily from 432 in 1905 and 367 in 1906 to 261 in the year under report. This fall is eminently satisfactory, because it indicates that the Magistrates have themselves been making the preliminary examination into the truth of the complainants' stories instead of shifting this task under Section 202, Criminal Procedure Code, on to the shoulders of the Police.

Compensation under Section 250, Criminal Procedure Code—Judicial Statement No. 2, column 10, and No. 3, Head 6.

3. The number of cases in which complainants who had preferred frivolous and vexatious complaints were ordered to pay compensation to the accused persons was 113 as against 114 in 1906 and 193 in 1905, and the total amount awarded as compensation was Rs. 2,016-12-0 as compared with Rs. 1,725 in 1906.

It is disappointing to find that the remarks contained in paragraph 3 of the Provincial Report for 1906 and in paragraph 4 of the Hon'ble the Chief Commissioner's Review thereof, in which particular stress was laid upon the importance of enforcing systematically the provisions of Section 250, Criminal Procedure Code, have as yet produced no tangible results. It is true, however, that those observations were not communicated to District Magistrates till last autumn, and it is to be hoped that they will be found to have borne fruit when the results of the Magisterial working for the year 1908 come under analysis: for the present it is unnecessary to labour the subject further.

In connection with this subject the District Magistrate of Bannu writes:—

"If Magistrates had also borne in mind the equal necessity of utilizing the provisions of Section 250, Criminal Procedure Code, in those trivial and vexatious cases which are so prominent a feature in the criminal statistics of this district, there would, I am persuaded, have been a marked effect on the returns. The cases, however, in which compensation has been awarded have fallen from 74 in 1905 to 37 in 1906 and 34 in 1907. The Provincial Report containing the special remarks and instructions of the Judicial Commissioner did not reach the district till September, and the matter no doubt had been somewhat overlooked beforehand. At the same time I am of opinion that the possibility that a malicious or vexatious criminal complaint may turn out a two-edged sword and cause harm to the complainant as well as to the accused is now gradually being brought home to the very large class of persons in the district who abuse our Courts. The idea is new and requires time to be fully grasped by the people: but when it spreads, the complainants will very largely be eliminated who hitherto have thought themselves secure in harassing an enemy or bringing pressure to bear on a rival at the cost of an eight-anna stamp."

Perhaps the case has been somewhat overstated in these remarks: for if the idea that a man, who maliciously institutes a frivolous or vexatious complaint can be mulcted in a fine to compensate the persons whom he has harassed unnecessarily, is a novel one in the Bannu District, the fact constitutes a severe indictment of the inefficiency of the Magistracy which has failed to enforce the provisions of Section 250, Criminal Procedure Code, adequately in that district: and in any case it behoves the District Magistrate to awaken his subordinates to a proper sense of their responsibilities.

OFFENCES UNDER THE INDIAN PENAL CODE.

Offences under the Indian Penal Code—Judicial Statement No. II.

4. Of the total number of offences of all kinds reported during the year 10,804 or 55 per cent. were under the Indian Penal Code, and of these 6,792 or 63 per cent. were returned as true. The following table exhibits the number of offences reported, admitted and

brought to trial under the Indian Penal Code during the past two years in each district :—

District.	Year.	Offences reported.	Offences admitted to have occurred.	Offences brought to trial.	Cases ending in conviction.	Percentage of convictions to offences.	
						Admitted to have occurred.	Brought to trial.
Peshawar	1906	3,612	2,523	2,216	761	30	34
	1907	4,012	2,793	2,662	995	36	37
Hazara	1906	2,163	1,120	982	350	31	36
	1907	2,436	1,236	979	306	25	31
Kohat	1906	1,495	957	754	338	35	45
	1907	1,396	954	760	287	30	38
Bannu	1906	1,591	936	835	234	25	28
	1907	1,653	1,013	890	210	21	24
Dera Ismail Khan	1906	1,322	811	732	224	28	31
	1907	1,307	796	653	169	21	27
Total ...	1905	10,183	6,411	5,567	2,125	33	38
	1906	10,383	6,347	5,519	1,907	30	35
	1907	10,804	6,792	5,944	1,967	29	33

It is to be regretted that the percentage of convictions to offences admitted to have occurred and to those brought to trial is deteriorating year after year. Peshawar is the only district which shows some improvement in this respect, the remaining four districts, with the exception of Kohat in 1906, have maintained a downward tendency since 1905. The falling off is attributable to the small proportion of convictions secured in cases of petty offences, *e.g.* hurt, criminal force, criminal trespass, &c., in which prosecutions are very numerous, and which are tried by Magistrates of the second and third classes.

Serious offences under the Indian Penal Code admitted to have occurred—Provincial Appendix A.

5. The Provincial Appendix A, attached to the returns shows for each district of the Province the number of offences admitted to have occurred under the most important heads of crime. The totals for 1905 and 1906 are added for purposes of comparison. The steady diminution in serious crime in the Province, which was noticeable during the triennium 1904—06, has received a check, and a slight set back has occurred in 1907.

6. In the Peshawar District the most notable fluctuations are an increase in offences of rioting from 46 to 75 and in burglaries from 241 to 348, for which the District Magistrate has been unable to offer an explanation. The Sessions Judge is inclined to attribute the increase of burglaries to laxness of supervision on the part of the Police. The Judicial Commissioner concurs in this view, and considers that a direct connection can be traced between the increase in burglaries and the decrease in the number of bad characters bound over in security in the Peshawar District, to which reference is made in paragraph 13 below. Of the 25 dacoities in this district during 1907, no less than 18 are stated to have been the work of trans-border raiders, 9 cases being placed to the credit of the Zakha Khels.

7. In the Kohat District all the 13 dacoities were the work of trans-border gangs. Of the 43 murders 15 were committed by residents of Independent territory, and in 22 of these murder cases the offenders are said to have made good their escape across the frontier. In this connection the District Magistrate remarks :—

"It is hardly necessary to point out that the facility for escape afforded to offenders by the proximity of the border line offers a strong incentive to intending criminals in Kohat, and so long as the present conditions exist, it will remain an adverse factor in the criminal administration of the district. In fact I believe that the outlaw's life offers positive attractions to some adventurous spirits of the Khattak *ilaqa*. To begin with, they enjoy the sweets of revenge, a refuge, if not a welcome, is ensured them in Khost or in Wazir country; subsistence is easy, as they have only to pounce now and again on an unprotected Hindu in British territory and hold him up to ransom; or greater risks may be taken and a shop or village raided. Such enterprises in Khattak country at least during past years have had little more than a spice of danger; as the outlaws have friends and supporters in the Khattak *ilaqas*, and others who might possibly assist in their arrest are unarmed and unable to attack a body of men armed with rifles. The Border Military Police in this tract are few and far between; the Police are weak; the villagers indifferent; the Khan's levies inefficient and unenterprising; and it very rarely happens that a Khattak outlaw is killed or caught when engaged in a foray. It is impossible to provide an adequate remedy for this unsatisfactory state of things; and the Khattak will indulge his savage propensities so long as a refuge is assured him in Afghan dominions. The evil may be checked to some extent by enforcing territorial responsibilities, as is now being done, against the tribes through whose country the outlaws must pass on their marauding expeditions, and the increase of the Police in the affected area should probably have good results."

8. In the Bannu District six dacoities were committed as against two in 1906. Two dacoities in succession were committed on the village of Shamshi Khel, in one of which a Hindu was killed and in the other two Hindus were kidnapped and carried off to Independent territory. The kidnapped Hindus were subsequently released on payment of a heavy ransom by their relatives: and the requirements of justice are being satisfied by the recovery of the amount of the ransom from the relations and fellow tribesmen of the offenders. Commenting upon dacoity cases in the Bannu District, the District Magistrate observes :—

"It was apparent that widespread alarm had been occasioned amongst the Hindus of the district by the operations of these gangs from Khost and elsewhere and their recently adopted plan of kidnapping men of means and extorting ransoms under threats of murder. Village Hindus were leaving their homes and crowding into Bannu City to such an extent as to raise rents in the city generally, and many petitions were being presented for special protection. The necessity of special measures to restore confidence was obvious. I accordingly obtained formal sanction, under Section 21, Frontier Crimes Regulation, to action against the tribes implicated, and it is hoped that the drastic measures taken, even if the offenders have so far not been brought to justice, will discourage further kidnapping raids by absconders from this district."

Quarrels arising over women constituted the motive which was responsible for the majority of the 19 murders that occurred in the Bannu District in 1907. In several instances murder occurred in spite of the fact that a settlement of the feud had been effected between the parties in accordance with tribal custom. The District Magistrate's remarks on this subject are worth perusal, and are reproduced below :—

"It will not be out of place here to refer to one difficulty in the Criminal Administration of the district, which presents itself here perhaps more frequently than elsewhere, and arises from the morbidly revengeful character of the Wazir population. Amongst other Pathan tribes it is, I believe, rare for a man who has been involved in a quarrel over a woman to be murdered after the payment of compensation to the injured party, or for a woman who may have been the cause of the quarrel to be murdered after restitution has been made. Unfortunately this is not the case in Bannu, and, whatever may be the efforts of the Magistracy to compose quarrels, an apparent conciliation is only too often followed by an outrage. In some cases a Wazir will, in pursuance of what can only be a pre-arranged plan, express willingness to receive pecuniary compensation, accept it, and then, having lulled his victim into a condition of fancied security, proceed to murder him."

"The above difficulty was exemplified during the past year in the case of a murder of a Hathi Khel Wazir, who after an absence of 26 years was permitted to return to the district from which he had been expelled owing to his elopement with the wife of another tribesman. He returned on the assurance of the leading Malik that no harm would come to him. The husband having expressed his readiness to settle the case obtained compensation, and then murdered his rival, now an old man, and absconded."

"In another case a Jani Khel had received *sharmana* from the seducer of his wife, but, in spite of this, murdered her a week after the settlement of his case. The conclusion to which one is reluctantly impelled by a consideration of the above facts is that in a great number of cases the time of the Courts is expended uselessly over Section 8 Frontier Crimes Regulation cases between the tribesmen of this district; their reconciliation is a forlorn hope, and it would be better to demand substantial security from them in the first instance than to trust to the broken reed of conciliatory proceedings under Section 8, Frontier Crimes Regulation."

The Judicial Commissioner understands that the practice in regard to the utilization of the machinery provided by Section 8, Frontier Crimes Regulation, for the settlement of feuds arising over women varies considerably in different parts of the Province. In the districts of the Derajat Division the provisions of Section 8 are freely resorted to for this purpose, while in the districts of the Peshawar Division they are seldom utilized. In the Peshawar District, where the Magistrates are heavily burdened with criminal work, the general practice is simply to bind over the parties, between whom a quarrel over a woman subsists, in security under Section 41, Frontier Crimes Regulation, for the prevention of bloodshed. In the instances cited in the remarks of the District Magistrate of Bannu, which have been excerpted above, the local Magistrates at any rate have the consolation of knowing that they had taken steps according to law and custom of the country for the composition of the feud. It sometimes also happens that murder is committed after security has been taken to prevent that contingency. If in spite of the taking of precautionary measures blood has still been shed, it merely shows that the offenders belong to that small percentage of morbid and wrong-headed persons whom no laws could ever restrain.

9. Two cases, however, came before the Judicial Commissioner on appeal, which deserve a passing notice here. One was a case of double murder, and the other of triple murder: they both occurred in November 1907 in the village of Shahab Khel in the Marwat tract of the Bannu District. In both instances the cause of quarrel was over a woman: in both instances the feud came under the notice of the Police, who proceeded to make inquiries, with the result that a composition was effected between the parties through the agency of some local headmen, who undertook to be responsible that no breach of the peace should thereafter occur. In both cases the papers relating to the inquiries made were filed in the Police Office without being even brought to the notice of the local Magistrate; and in both cases murder was committed within a few months of the so-called settlement. In both these cases the procedure followed was, in the opinion of the Judicial Commissioner, defective; inasmuch as the responsibility of deciding whether a so-called settlement in a feud arising over a woman should be accepted, and whether any further steps should be taken for the prevention of bloodshed between the parties, should rest not with the Police, but with the local Magistrate. The attention of the District Magistrate, Bannu, has been invited to these two instances with a view to the issue of orders which will ensure that the responsibility for taking steps for the prevention of bloodshed in such cases shall be laid on the proper shoulders.

10. The number of burglaries in the Dera Ismail Khan District rose from 65 in 1906 to 117 in 1907. The increase is attributed to the outbreak of plague, which created a panic in the city of Dera Ismail Khan and caused a large number of people to flee from their houses; and the local bad characters took advantage of the opportunity to break into the empty houses. The Jat outlaw Sohrab, who absconded to the Mahsud country in order to avoid proceedings under Section 110, Criminal Procedure Code, brought himself into prominence during the year by the daring character of his raids into the Dera Ismail Khan District.

LOCAL AND SPECIAL LAWS.

11. The number of offences reported under Local and Special Laws was 8,916 as compared with 8,088 in 1906 and 7,775 in 1905. The increase has occurred chiefly under the head of Security cases and in offences punishable under the Cantonment, Municipalities

Offences under Local and Special Laws—Judicial Statement No. 2 A.

and Hackney Carriages Acts. The number of prosecutions in Peshawar under the Cantonment Act rose from 467 in 1906 to 898 in 1907: this rise is satisfactory in so far as it indicates that the provisions of the law which safeguard the public health and convenience in the Peshawar Cantonment are being more systematically enforced.

12. The table given below shows for each district the number of persons proceeded against for security to keep the peace and for good behaviour, and also the number of persons dealt with under the security provisions of the Frontier Crimes Regulation during the past two years :—

Miscellaneous proceedings under the Criminal Procedure Code—Judicial Statement No. 3,
and
Security cases under the Frontier Crimes Regulation —Judicial Statement No. 2 A.

PROCEEDINGS.	Year.	TOTAL PERSONS.									
		Peshawar.		Hazara.		Kohat.		Bannu.		D. I. Khan.	
		Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of.	Convicted
Breach of peace, Chapter VIII, Criminal Procedure Code.	1906	933	468	310	142	898	382	739	356	420	254
	1907	1,571	961	286	114	1,170	616	506	417	381	167
To prevent murder, Section 40, Frontier Crimes Regulation.	1906	42	40	10	7	27	22	25	25	20	20
	1907	40	40	10	10	24	15	34	34	11	6
Families with blood feuds, Section 41, Frontier Crimes Regulation.	1906	1,854	1,528	28	28	946	586	481	477	10	7
	1907	1,913	1,608	40	38	1,264	872	476	473	53	45
Further security, Section 46, Frontier Crimes Regulation.	1906	305	277	...	...	206	140	...	...	...	...
	1907	447	398	...	...	204	137	...	...	...	...
TOTAL ...	1906	3,134	2,313	348	177	2,077	1,130	1,245	858	450	281
	1907	3,971	3,067	336	162	2,662	1,640	1,016	924	445	218
Security for good behaviour, Section 110, Criminal Procedure Code.	1906	205	143	62	44	110	86	121	99	54	46
	1907	137	94	21	17	123	88	51	40	29	20

The figures in this table show that whereas in proceedings under the security provisions of the Frontier Crimes Regulation the number of convictions is comparatively high, in proceedings under Section 107, Criminal Procedure Code, the proportion of discharges is very large, varying from 17 per cent. in Bannu and 39 per cent. in Peshawar to 47 per cent. in Kohat, 60 per cent. in Hazara, and 56 per cent. in Dera Ismail Khan. Hazara and Dera Ismail Khan make a particularly bad showing in this connection, and the conclusion is irresistible that in these two districts, which are the least criminal ones in the Province, the local Magistrates, through their own supineness in not examining the complainant thoroughly so as to get at the real facts before issuing process, have dragged a large number of unoffending persons into Court unnecessarily. The District Magistrates of Hazara and Dera Ismail Khan will be requested to take steps to correct these shortcomings on the part of the local Magistracy.

In the Bannu District it is satisfactory to see that the remarks in paragraph 7 of the last Provincial Report have borne fruit, for there has been a marked improvement in the number of convictions in proceedings for security to keep the peace. The District Magistrate of Bannu has observed that

it is not regarded by the people in that district as any social degradation to be required to give security and objections are very seldom raised to orders demanding it.

In view of the receipt of reports of various Mahsuds having entered British territory with sinister and fanatical intentions, a special order was promulgated in the Bannu District by the District Magistrate, under Section 45 (1) (*f*), Criminal Procedure Code, requiring village headmen, watchmen, owners and occupiers of land and others to report immediately any information they might obtain respecting the presence within certain local limits of a Mahsud ordinarily resident in Independent territory. In consequence of information received 18 Mahsuds were bound over at different times in security under Section 40, Frontier Crimes Regulation, with a view to the prevention of fanatical outrages.

13. The number of persons bound over in security for good behaviour in the Province was 259 only as against 408 in 1906. In spite of the remarks recorded under this head in the last Provincial Report it is disappointing to find that the number of persons bound over under Section 110, Criminal Procedure Code, in the Peshawar District has fallen still further from 143 in 1906 to 94 in 1907 : this compares unfavourably with 360 in 1903. Under the circumstances it is perhaps not surprising to find that the number of burglaries in the Peshawar District has risen by 44 per cent. from 241 in 1906 to 348 in the year under report. In this connection the District Magistrate writes : —

"I am constrained to say that the state of crime in the district does not justify the decrease, and the matter will receive my immediate attention."

The decrease in bad livelihood cases in Bannu is explained as being due to a change of Police Officers, which occurred at the time when these cases are usually prepared for submission to Magistrates in the cold weather.

GENERAL RESULT OF CRIMINAL TRIALS.

14. Out of 28,392 persons under trial, the cases of 27,864 were disposed of. Of these 14,174 or 51 per cent., as last year, were discharged or acquitted. The proportion of discharges and acquittals was highest in Dera Ismail Khan, 69 per cent., and Hazara 64 per cent. This high proportion is indicative of the extent to which malevolent litigants in those districts are prone to drag persons, against whom they bear ill-will, before the Criminal Courts unnecessarily.

General result of Criminal trials—Judicial Statement No. 4.

District Magistrates disposed of 70 cases under their ordinary powers, 23 under their enhanced powers, and 1,540 under the Frontier Crimes Regulation as compared with 69, 42 and 1,512 in 1906. Additional District Magistrates disposed of 112 cases under their enhanced powers.

The provisions of Section 562, Criminal Procedure Code, were utilized in the case of 23 persons.

15. Honorary Magistrates sitting singly and in Benches disposed of 1,260 cases as against 1,224 in 1906. The Peshawar Bench of Honorary Magistrates contributed nearly one-half of this total outturn. Nawab Arbab Muhammad Hussain Khan (169 cases) and Khan Bahadur Arbab Azam Khan (148 cases) in the Peshawar District and Fakir Abul Hassan (113 cases) in the Bannu District deserve special mention for the assistance which they have rendered to the Judicial administration by their honorary services.

Honorary Magistrates.

16. No cases against European British subjects came up for trial in this Province during the year under report.

European British subjects.

17. The proportion of persons sentenced to rigorous imprisonment to whom solitary confinement was awarded has fallen still further, from 49 per cent. to 44 per cent. : the fall has been most marked in the Kohat District. Commenting on this, the District Magistrate states :—

Punishments—Judicial Statement No. 5.

Solitary confinement.

"It is regrettable that Magistrates have as usual failed to utilize this salutary provision of the law. It must be remembered that mere conviction and imprisonment for an offence rarely carries any social stigma, so that it is necessary to make punishment as deterrent as possible ; and without solitary confinement there can be little doubt that imprisonment does not have the deterrent effect we should expect on the Pathan peasant."

18. The total fines imposed during the year amounted to Rs. 83,420 as against Rs. 98,547 in the previous year. Realizations totalled Rs. 65,213, out of which Rs. 14,302 were paid away as compensation under the orders of the Courts.

Fines.

19. Sentences of whipping totalled 173 under the Whipping Act and 15 under the Frontier Crimes Regulation. Only five juveniles were sentenced to whipping in lieu of other punishment. Instructions were issued in October 1907 to the subordinate Courts on the subject of the infliction of flogging as a judicial punishment ; and the wishes of the Government of India that in the case of juveniles the number of stripes should not exceed 15 have been communicated to the Magistracy.

Whipping—Judicial Statement No. 5 A.

APPEALS AND REVISIONS.

20. Out of 586 persons who appealed to the Courts of District Magistrates 179 persons had their sentences altered or reversed. In 24 instances Sessions Judges and District Magistrates enhanced the sentences passed by the Courts below.

Appeals and revisions—Judicial Statement No. 6.

The average duration of appeals was 11 days in the Courts of District Magistrates and 12 days in Sessions Courts.

FRONTIER CRIMES REGULATION.

21. As will be seen from Provincial Appendix B, the number of criminal references to Councils of Elders has fallen from 163 to 153, while the percentage of convictions has risen from 43 to 44. These figures are decidedly satisfactory, for they show that the Regulation is being kept by District Officers in its proper place as a supplement to the regular law, and that due discrimination continues to be shown in the selection of cases for reference to jirga.

Frontier Crimes Regulation—Provincial Appendix B.

SESSIONS COURTS.

22. The amount of criminal business disposed of by the two Sessions Courts of this Province will appear from the following table :—

Work of Sessions Courts.

Sessions Courts.	Sessions cases.		Criminal appeals.		Criminal revisions.	
	1906.	1907.	1906.	1907.	1906.	1907.
Peshawar	67	58	391	321	76	107
Derajat	37	32	305	222	72	36

The average duration of Sessions cases was 44 days in Peshawar and 45 in Derajat, while that of appeals was 13 and 9 days respectively. Criminal business was well in hand in both Courts, for only 20 appeals altogether were pending at the close of the year.

JUDICIAL COMMISSIONER'S COURT.

23. The table appended below exhibits the criminal business disposed of in this Court during the past two years :—

Year.	Murder references.		Criminal appeals.		Criminal revisions.	
	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
1906	38	38	170	222	149	271
1907	37	37	115	140	78	110

Capital sentences were confirmed in the case of 24 persons and commuted in the case of 11 persons, while one person under sentence of death was acquitted.

The Judicial Commissioner toured in each district of the Province during the year and inspected the Courts of 3 Additional District Magistrates, 1 Assistant Commissioner, and 9 Extra Assistant Commissioners.

GENERAL.

24. Sessions Judges and District Magistrates called for and inspected the files of 104 and 471 cases respectively, and any defects noticed therein were duly pointed out to the courts concerned.

Under arrangements made with the Punjab Government, the Reformatory School at Delhi has been declared, under Section 15 of Act VIII of 1897, to be the place to which youthful offenders from the North-West Frontier Province may be sent.

The attention of the District Magistrate of Peshawar is invited to the fact that the mandatory provisions of Section 31 of the Court Fees Act, VII of 1870, were not complied with in a single case in the Peshawar District during 1907.

25. The reports submitted by Major Blakeway from Bannu and by Mr. Barton from Kohat were very full and carefully prepared; and they show how interesting and instructive even an annual report, dealing year after year with the same subject, can be made, when the District Officer devotes his personal attention to its compilation.

District Reports.

C. E. F. BUNBURY,

Judicial Commissioner, N.-W. F. Province.

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JUDICIAL STATEMENT No. 1—(Civil and Criminal).

STATEMENT SHOWING THE NUMBER OF JUDICIAL DIVISIONS AND THE NUMBER OF OFFICERS EXERCISING APPELLATE OR ORIGINAL JURISDICTION IN THE NORTH-WEST FRONTIER PROVINCE ON THE LAST DAY OF THE YEAR 1907, WITH THE COST OF TRIBUNALS.

(Imperial.) JUDICIAL STATEMENT

Statement showing the number of Judicial Divisions and the number of Officers exercising the year 1907, with

Name of Province.			Area in square miles.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.
1			2	3	4	5	6
N.-W. FRONTIER PROVINCE.	Territory subject to the High Court	Civil	13,197	2,050,724	2	5	16
		Criminal			2	5	16
		Revenue			...	...	...
	Territory not subject to the High Court	Civil	...	...	...	...	...
		Criminal	...	...	...	...	...
		Revenue	...	...	...	...	...

No. 1—(*Civil and Criminal*).

Appellate or Original Jurisdiction in the North-West Frontier Province on the last day of the cost of Tribunals.

Total Number of Officers exercising Original or Appellate Jurisdiction.					Total Number of Cases decided.				Total receipts of the Courts.	Total charges of the Courts.	Remarks.	
					Original.		*Appeals.*					
Judges of Chief Court of Province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of Districts.	Judges of District Courts other than Chief Courts.	Judges of other Sub-ordinate Courts.	Regular.	Miscellaneous.	Regular.	Miscellaneous.				
7	8	9	10	11	12	13	14	15	16	17	18	
1	2	5	29	35	24,182	5,479	1,505	201	Rs. 3,50,309	Rs. 5,60,707		
1	2	5	29	75	13,059	9,957	994	59				

Grades of Judicial Officers.		Europeans.	Natives.
Officers exercising both Original and Appellate jurisdiction.	High Court Judges.	1	...
	Divisional Judges.	2	...
	District Judges.	3	1
	Additional Judges.	...	...
	Subordinate Judges.	1	2
Officers exercising Original jurisdiction only.	Small Cause Court Judges.	2	...
	Munsifs ...	...	6

(Imperial.) **JUDICIAL STATEMENT**

Statement of offences reported and of persons tried, convicted and acquitted

Description of Offence.			Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.
1			2	3	4
Offences against the State, Chapter VI of the Indian Penal Code			...	...	...
Do. relating to the Army and Navy	Chapter	VII ...	...	...	...
Do. against the public tranquillity	„	VIII ...	223	157	165
Do. by or relating to public servants	„	IX ...	10	8	8
Contempts of the lawful authority of public servants ...	„	X ...	225	210	215
False evidence and offences against public justice ...	„	XI ...	94	88	90
Offences relating to coin and Government stamps ...	„	XII ...	15	8	8
Do. do to weights and measures	„	XIII ...	3	2	2
Do. affecting the public health, safety, convenience, decency and morals	„	XIV ...	43	33	33
Do. relating to religion	„	XV ...	25	18	15
Offences Affecting the Human Body, Chapter XVI. — Offences affecting life		...	350	277	265
Causing of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births		...	17	13	8
Hurt		...	2,922	1,879	1,867
Wrongful restraint and wrongful confinement		...	137	79	77
Criminal force and assault		...	681	428	430
Kidnapping, forcible abduction, slavery and forced labour		...	89	35	36
Rape		...	30	12	13
Unnatural offence		...	36	21	21
Offences against Property, Chapter XVII. — Theft		...	1,175	676	528
Extortion		...	26	7	7
Robbery and dacoity		...	164	78	53
Criminal misappropriation of property		...	81	34	32
Criminal breach of trust		...	279	135	126
Receiving of stolen property		...	207	174	171
Cheating		...	155	69	65
Fraudulent deeds and disposition of property		...	5	2	1
Mischief		...	843	415	361
Criminal trespass		...	1,878	1,344	790
Offences relating to documents and to trade or property marks, Chapter XVIII ...		...	25	8	8
Criminal breach of contracts of service ... ... „	XIX	...	1	1	1
Offences relating to marriage ... ... „	XX	...	668	323	304
Defamation ... ... „	XXI	...	33	22	21
Criminal intimidation, insult and annoyance ... ... „	XXII	...	364	236	223
	Total	...	10,804	6,792	5,944
Offences under Special and Local Laws		...	8,916	7,212	7,181
	Grand Total	...	19,720	14004	13,125

All persons entered

No. 2—(*Criminal*).

of each class of offence in the North-West Frontier Province in the year 1907.

Number of Persons					Remarks.
Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another Province.	Remaining under trial.	
5	6	7	8	9	10
...	...	...	...	...	
...	...	...	...	...	
1,077	403	589	2	83	Rs. 167 paid as compensation under Section 250, Criminal Procedure Code.
19	8	9	...	2	
300	104	188	...	8	
148	70	72	...	6	
8	3	5	...	...	
3	...	3	...	...	
44	19	24	...	1	„ 47 „ „ „ „ „
39	35	3	...	1	
655	334	231	1	89	
9	2	6	...	1	
4,391	3,571	735	1	84	„ 437 „ „ „ „ „
189	168	20	...	1	„ 9 „ „ „ „ „
976	810	159	...	7	„ 173-12-0 „ „ „ „ „
86	50	31	...	5	
13	3	8	...	2	
31	10	21	...	...	
954	542	395	...	17	„ 311 „ „ „ „ „
13	11	2	...	...	
198	88	66	...	44	„ 20 „ „ „ „ „
74	57	17	...	...	„ 9 „ „ „ „ „
162	114	36	...	12	„ 12 „ „ „ „ „
237	60	175	...	2	
89	61	25	...	3	„ 65 „ „ „ „ „
1	1	...	...	...	
1,016	909	82	1	24	„ 291 „ „ „ „ „
2,109	1,653	402	1	53	„ 195 „ „ „ „ „
13	8	3	...	2	†
5	...	5	...	...	
661	562	70	2	27	„ 246 „ „ „ „ „
42	38	4	...	...	
454	424	28	...	2	„ 5 „ „ „ „ „
14,016	10,118	3,414	8	476	„ 1,987-12-0 „ „ „ „ „
14,061	4,056	9,947	6	52	„ 29- 0-0 „ „ „ „ „
28,077	14,174	13,361	14	528	„ 2,016-12-0 „ „ „ „ „

† in column 8 died.

(Imperial.) **JUDICIAL STATEMENT**

Statement of Offences reported and of Persons tried, convicted and acquitted

Description of Offence.		Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.
1		2	3	4
Offences under Local and Special Laws		...	...	...
Proceedings under the Code of Criminal Procedure		2,968	1,601	1,591
Breach of Laws relating to—				
Arms, ammunition and Military stores	Act XI of 1878 ...	209	181	189
Canals	„ VIII of 1873 ...	121	23	24
Cantonments	„ XIII of 1889 ...	898	898	898
Cattle trespass	„ I of 1871 ...	202	100	89
Code of Civil Procedure	„ XIV of 1882 ...	...	...	...
Companies Act	„ VI of 1882 ...	...	...	...
Contract workmen	„ XIII of 1859 ...	200	186	186
Contract by workmen on Railways and other Public Works	„ IX of 1860 ...	...	...	...
Criminal Tribes and Eunuchs	„ XXVII of 1871 ...	...	...	...
Cruelty to animals	„ XI of 1890 ...	31	31	31
Emigration	„ VII of 1871 ...	...	...	...
Excise on spirits and drugs	„ XXII of 1881 ...	24	23	25
Explosives Act	„ IV of 1884 ...	...	...	...
Factories	„ XV of 1881 ...	...	...	...
Farcy and Glanders	„ XX of 1879 ...	...	...	...
Ferries	„ XVII of 1878 ...	3	3	3
Foreigners	„ III of 1864 ...	...	...	...
Forest	„ VII of 1878 ...	172	169	159
Gambling	„ III of 1867 ...	43	39	41
Hackney and Stage Carriages	„ XVI of 1861 and „ XIV of 1879 ...	370	364	370
Income Tax Act	„ II of 1886 ...	...	...	...
Marriages, Christian	„ XV of 1872 ...	...	...	...
Municipalities	„ XX of 1891 ...	340	335	327
Murderous outrages	„ XXIII of 1867 ...	...	...	...
North-West Border Military Police Act	„ IV of 1904 ...	2	2	2
Opium	„ I of 1878 ...	28	27	27
Pleaders	„ XVIII of 1879 ...	...	...	...
Police	„ V of 1861 ...	520	520	517
Post Office	„ XIV of 1866 ...	2	2	1
Printing Presses	„ XXV of 1867 ...	...	...	...
Prisons	„ IX of 1894 ...	2	2	2
Punjab Courts Act	„ XVIII of 1884 ...	...	...	...
Punjab Laws Act	„ IV of 1872 ...	350	350	353
Punjab Military Transport Animals Act ...	Punjab Act I of 1903 ...	2	2	2
Railways	„ IX of 1890 ...	25	20	17
Registration...	„ III of 1877 ...	...	...	...
Salt	„ XII of 1882 ...	7	7	7
Stamps	„ I of 1879 ...	3	3	3
Telegraph	„ XIII of 1885 ...	7	6	...
Treasure Trove	„ VI of 1878 ...	...	...	...
Vagrancy, European	„ IX of 1874 ...	...	...	...
Wandering and dangerous lunatics	„ XXXVI of 1858 ...	...	...	...
Frontier Regulations.				
Regulation III of 1901, Section 22		12	12	12
Do. „ „ „ 29		11	11	11
Do. „ „ „ 30		59	39	39
Do. „ „ „ 35		119	117	119
Do. „ „ „ 36		134	119	119
Do. „ „ „ 37		31	29	29
Do. „ „ „ 40		89	87	87
Do. „ „ „ 41		1,648	1,620	1,619
Do. „ „ „ 46		284	284	284
	Total ...	8,916	7,212	7,181

No. 2-A—(*Criminal*).

of each class of offence in the North-West Frontier Province in the year 1907.

Number of Persons.					Remarks.
Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another Province.	Remaining under trial.	
5	6	7	8	9	10
...	...	...	...	...	
4,182	1,739	2,417	2	24	Rs. 13 awarded as compensation under Section 250 of the Criminal Procedure Code.
241	56	177	...	8	
65	39	26	...	...	
1,189	126	1,063	...	...	
311	277	33	...	1	Rs. 16 awarded as compensation under Section 250 of the Criminal Procedure Code.
...	...	...	...	...	
...	...	...	...	...	
227	192	32	...	3	
...	...	...	...	...	
...	...	...	...	...	
37	3	34	...	...	
...	...	...	...	...	
30	2	28	...	...	
...	...	...	...	...	
...	...	...	...	...	
...	...	...	...	...	
4	1	3	...	...	
...	...	...	...	...	
415	166	243	...	6	
253	63	189	1	...	
380	30	349	...	1	
...	...	...	...	...	
...	...	...	...	...	
353	103	247	...	3	
...	...	...	...	...	
2	...	2	...	...	
29	4	23	1	1	
...	...	...	...	...	
541	68	473	...	...	
1	...	1	...	...	
...	...	...	...	...	
2	2	...	...	...	
...	...	...	...	...	
603	236	361	2	4	
15	...	15	...	...	
23	4	19	...	...	
...	...	...	...	...	
10	...	10	...	...	
6	2	4	...	...	
...	...	...	...	...	
...	...	...	...	...	
...	...	...	...	...	
...	...	...	...	...	
5	...	5	...	...	
20	7	12	...	1	
39	16	23	...	...	
359	52	307	...	...	
168	20	148	...	...	
35	8	27	...	...	
119	14	105	...	...	
3,746	710	3,036	...	...	
651	116	535	...	...	
14,061	4,056	9,947	6	52	Rs. 29 awarded as compensation under Section 250 of the Criminal Procedure Code.

(Imperial.) **JUDICIAL STATEMENT No. 3—(*Criminal*).**

Statement of Miscellaneous Proceedings under the Criminal Procedure Code in the North-West Frontier Province during the year 1907.

Nature of Proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1. Proceedings against witnesses under Chapter XXXV and Section 485.	...	...	...	...	
2. Proceedings under Chapter VIII, to prevent breach of the peace, and Sections 40, 41 and 46, Frontier Crimes Regulation.	3,240	8,444	2,479	5,951	
3. Proceedings under Chapter VIII, Security for good behaviour.	353	368	102	256	3 persons were referred to the Sessions Judge, Peshawar.
4. Proceedings against local nuisances, Chapter X.	12	13	7	4	
5. Possession, Chapter XII ...	128	431	247	184	
6. Frivolous or vexatious accusations summarily dealt with under Chapter XX, Section 250.	113	114	...	114	
7. Non-attendance of Jurors or Assessors, Chapter XXIII, Section 332.	...	...	...	...	
8. Maintenance, Chapter XXXVI ...	288	289	205	83	
9. Forfeiture of bail or recognizance under Chapter XLII.	86	148	40	107	
10. Proceedings under Chapter XLVI, Section 563, against convicted offenders released under Section 562.	15	23	6	17	
Total ...	4,235	9,830	3,086	6,716	

JUDICIAL STATEMENT No. 4—(CRIMINAL).

STATEMENT SHOWING THE GENERAL RESULT OF CRIMINAL TRIALS IN THE TRIBUNALS OF VARIOUS CLASSES IN THE NORTH-WEST FRONTIER PROVINCE IN THE YEAR 1907.

(Imperial). **JUDICIAL STATEMENT**

Statement showing the General Result of Criminal Trials in the tribunals of

CLASS OF COURTS.	Total number of persons under trial.	PERSONS WHOSE CASES					
		Died, escaped or transferred to another province.	Discharged or acquitted.	CONVIC			
				ON REGULAR TRIAL.			
				Sentence passed.	Released on probation, Section 562, Criminal Procedure Code.	*Youthful offenders dealt with under Section 31, Act VIII of 1897.*	
						Discharged after admonition.	Delivered to parent or guardian, &c.
1	2	3	4	5	6	7	8
Village officers	...	...	...	...	...	...	...
Subordinate Magistrates. Special Magistrates under Section 14.	92	...	61	31	...	...	...
Subordinate Magistrates. Honorary Magistrates sitting singly	1,549	1	1,129	381	...	...	...
Subordinate Magistrates. Stipendiary „ „ „ ...	21,670	12	11,704	7,682	16	...	...
Subordinate Magistrates. Benches of Magistrates ...	1,017	...	527	244	...	...	...
District and Divisional Magistrates—Cases referred under Sections 347 and 349, Criminal Procedure Code.	20	...	4	16	...	...	...
Chief Magistrates of Districts ...	3,801	...	702	3,005	4	...	...
Courts of Sessions	211	1	46	80	...	...	...
Superior Courts	36	...	1	34	...	...	...
TOTAL ...	28,396	14	14,175	11,473	20	...	...

No. 4—(Criminal).

various classes in the North-West Frontier Province in the year 1907.

WERE DISPOSED OF									
TED.									
ON SUMMARY TRIAL.									
Sentence passed.	Released on probation, Section 562, Criminal Procedure Code.	*Youthful offenders dealt with under Section 31, Act VIII of 1897.*		Committed or referred.	Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.	REMARKS.
		Discharged after admonition.	Delivered to parent or guardian, &c.						
9	10	11	12	13	14	15	16	17	18
...	...	...	...	...	...	...	...	...	
...	...	...	...	...	...	27	6	75	
...	...	...	...	12	26	570	8	1,613	
1,596	3	...	...	215	442	9,797	9	22,719	
226	...	...	...	...	20	626	7	814	
...	...	...	...	...	...	13	1	...	
46	...	...	...	8	36	1,667	4	326	
...	...	...	...	80	4	94	44	1,309	
...	...	...	...	...	1	35	24	...	
1,568	3	...	...	315	529	13,059	7	26,856	

(Imperial.) **JUDICIAL STATEMENT**

Statement showing the Punishments inflicted by the various

Class of Tribunal.	Persons sentenced to								Persons ordered to find or give security or recognizance to keep the peace or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.
	Death.	Transportation.	Penal servitude.	Imprisonment.		Forfeiture of property.	Fine.	Whipping.		
				Rigorous.	Simple.					
1	2	3	4	5	6	7	8	9	10	11
Village Officers	...	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. Special Magistrates under Section 14 ...	...	...	...	8	2	...	23	...	...	...
Honorary Magistrates sitting singly ...	...	...	...	127	1	...	185	4	193	2
Stipendiary „ „ „ ...	...	...	...	2,073	62	...	4,163	151	1,321	45
Benches of Magistrates	...	...	...	25	1	...	450	...	...	...
District and Divisional Magistrates—Cases referred under Sections 347 and 349, Criminal Procedure Code.	...	...	...	8	...	...	6	6	4	...
Chief Magistrates of Districts	...	...	...	201	4	...	484	27	3,670	2
Courts of Sessions	...	40	...	36	...	...	3	...	3	3
Superior Courts	22	11	...	1	...	...	...	...	...	...
Total ...	22	51	...	2,479	70	...	5,314	186*	5,191	52

* Includes 15 under Frontier Crimes Regulation, 148 persons were

No. 5—(*Criminal*).

Criminal Tribunals in the North-West Frontier Province in the year 1907.

Detail of Punishment.																	
Fine.									*Imprisonment.*					*Whipped.*			Number of boys whose sentences were commuted to detention in a Reformatory School.
Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	15 days and under.	6 months and under.	2 years and under.	7 years and under.	Above 7 years.	10 stripes and under.	20 stripes and under.	30 stripes and under.	
12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
20	3	...	...	...	...	179	139	47	5	3	2	...	...	...	...	...	...
127	53	3	2	...	...	2,458	1,834	333	10	89	29	2	...	2	...	2	...
3,274	771	85	31	2	...	52,085	36,171	8,142	312	1,270	514	84	...	20	62	69	...
436	13	1	...	...	...	1,578	1,528	27	11	15	...	...	...	...	...	...	...
4	1	1	...	...	...	100	75	10	...	5	3	...	...	2	4	...	...
355	43	47	29	10	...	26,470	25,136	5,723	5	33	47	119	3	1	10	16	...
...	1	...	2	...	...	550	330	20	...	3	13	18	5	...	...	...	...
...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...
4,216	885	137	64	12	...	83,420	65,213	14,302	343	1,418	608	223	9	25	76	87	...

ordered to remove under Frontier Crimes Regulation.

(Imperial.)

JUDICIAL STATEMENT No. 5 A.—(*Criminal*).

STATEMENT SHOWING THE PARTICULARS OF WHIPPINGS INFLICTED BY THE CRIMINAL TRIBUNALS DURING THE YEAR 1907.

PART I.

Showing whippings inflicted under Sections 2 and 3, Act VI of 1864, in lieu of other punishments.

OFFENCES FOR WHICH AWARDED.	NUMBER OF STRIPES AWARDED.			TOTAL.
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	
In lieu of other punishments. (Sections 2 and 3, Act VI of 1864.)				
1. Theft as defined in ... Section 378, I. P. C.	8	21	16	45
„ 380, „ ...	5	7	5	17
„ 381, „ ...	...	3	6	9
„ 382, „ ...	...	2	3	5
2. Extortion as defined in ... „ 388, „ ...	...	...	...	...
„ 389, „ ...	...	2	2	4
3. Dishonestly receiving stolen property as defined in „ 411, „ ...	1	4	12	17
„ 412, „ ...	...	...	...	...
4. Lurking house-trespass as defined in „ 443, „ ...	...	...	...	...
5. Lurking house-trespass by night as defined in ... „ 444, „ ...	...	...	...	...
6. House-breaking as defined in ... „ 445, „ ...	...	...	...	...
7. House-breaking by night as defined in „ 457, „ ...	2	6	5	13
8. Causing hurt by dangerous weapons or means as defined in ... „ 324, „ ...	...	...	3	3
9. Criminal force or assault as defined in „ 349—351, „ ...	1	1	...	2
10. Robbery as defined in ... „ 392, „ ...	...	...	1	1
11. Offences under Section 52 of the Prisons Act, 1894 ...	...	...	...	...
On first conviction	17	43	53	113
On reconviction	...	3	...	3
TOTAL ...	17	46	53	116

Part II.

Showing whippings inflicted in addition to other punishments, Sections 3 and 4, Act VI of 1864.

Offences for which awarded.	Number of stripes. 5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	Total.
In addition to other punishments.				
(Sections 3 and 4.)				
A.—Section 3.				
1. Theft as defined in ... Section 378, I. P. C.	3	8	5	16
„ 380, „	...	...	2	2
„ 381, „	...	...	1	1
„ 382, „	...	...	...	...
2. Extortion as defined in „ 388, „	...	...	...	...
„ 389, „	...	...	...	...
3. Dishonestly receiving stolen property as defined in ... „ 411, „	...	1	...	1
„ 412, „	...	...	...	...
4. Lurking house-trespass as defined in „ 457, „	1	...	9	10
5. Lurking house-trespass by night as defined in ... ... „ 454, „	1	1	1	3
6. Causing grievous hurt as defined in „ 326, „	...	3	1	4
7. Assault on a woman as defined in... „ 354, „	...	1	3	4
8. Attempt at murder as defined in ... „ 307, „	...	...	2	2
9. Murder ... ... „ 302, „	...	...	1	1
10. Offence under Section 52 of the Prisons Act, 1894	...	...	...	...
B.—Section 4.				
1. False evidence as defined in ... Section 193, I. P. C.	...	...	...	...
„ 194, „	...	...	...	...
„ 195, „	...	...	...	...
2. False charge of unnatural offence as defined in ... Sections 211 and 377, „	...	...	...	...
3. Assault as defined in ...Section 354, „	...	...	...	...
4. Rape as defined in ... ... „ 375, „	...	2	...	2
5. Unnatural offence as defined in ... „ 377, „	...	2	4	6
6. Robbery as defined in ... „ 390, „	...	...	...	...
7. Dacoity as defined in ... „ 391, „	...	...	...	...
8. Dacoity as defined in ... „ 395, „	...	...	1	1
9. Hurt in committing robbery as defined in ... ... „ 394, „	...	...	3	3
10. Receiving stolen property as defined in ... ... „ 411, „	...	...	...	...
„ 463, „	...	...	...	...
„ 466, „	...	...	...	...
11. Forgery as defined in ... „ 467, „	...	...	...	...
„ 468, „	...	...	...	...
„ 469, „	...	...	...	...
12. Lurking house-trespass as defined in „ 458, „	...	4	...	4
13. Lurking house-trespass by night as defined in ... ... „ 457, „	1	5	1	7
14. House-breaking as defined in ... „ 445, „	...	...	...	...
15. House-breaking by night as defined in ... ... „ 446, „	...	...	...	...
Total ...	6	27	34	67

Part III.

Showing whippings inflicted under Section 5, Act VI of 1864, on Juveniles for offences other than those specified in Parts I and II.

Offence.	Stripes.			Total.
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	
Section 379	1	1	...	2
„ 380	...	1	...	1
„ 304 A	1	...	...	1
„ 457	...	1	...	1
On first conviction	2	5	...	5
On reconviction	...	...	...	...
Total ...	2	5	...	5

Part IV.

Showing the relative number of times whipping was awarded as compared with other punishments in cases in which whipping might have been awarded.

Punishments.	Number.	Remarks.
1. Total number of whippings awarded ...	188	
2. Total number of other punishments in cases in which whipping might have been awarded.	1,206	
3. *Total number of all punishments in cases in which whipping might have been awarded* (total of headings 1 and 2).	1,394	
4. Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3).	13·5	

JUDICIAL STATEMENT No. 6—(CRIMINAL).

STATEMENT SHOWING THE RESULT OF APPEAL AND REVISION IN CRIMINAL CASES IN THE NORTH-WEST FRONTIER PROVINCE IN THE YEAR 1907.

(Imperial.) JUDICIAL STATEMENT

Statement showing the Result of Appeal and Revision in Criminal

Tribunals.	Number of				
	Total number of appellants and applicants for revision before the Court.	Died, escaped and transferred to another province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.
1	2	3	4	5	6
APPEAL.					
To Chief Magistrates of Districts	586	...	122	246	21
„ Courts of Sessions	758	...	255	153	3
„ Superior Courts { by persons convicted	148	...	9	64	1
„ Superior Courts { by Government from judgments of acquittal.	...	...	...	...	...
Total ...	1,492	...	386	463	25
REVISION.					
By Chief Magistrates of Districts	223	...	204	...	...
„ Courts of Sessions	146	...	117	...	...
„ Superior Courts	107	...	6	76	2
Total ...	476	...	327	76	2
Grand Total ...	1,968	...	713	539	27

No. 6—*(Criminal).*

***cases in** the North-West Frontier Province in the year 1907.*

Persons.						Average number of days during which each appeal lasted.	Remarks. (Showing number of persons dealt with under Section 106 (3) of the Code of Criminal Procedure or under Section 8, clause (2), of the Reformatory Schools Act.)
Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.		
7	8	9	10	11	12	13	14
94	84	1	...	...	18	11	
217	93	...	5	...	32	12	
39	24	...	...	...	9	36	
...	...	...	...	...	...	...	
350	201	1	5	...	59	14	
...	...	...	...	12	7	10	
...	...	...	...	26	3	13	
6	15	...	2	...	...	14	
6	15	...	2	38	10	12	
356	216	1	7	38	69	13	

(Imperial.) JUDICIAL STATEMENT No. 13—(*Criminal*).

Statement showing the use of Juries and Assessors in the Criminal Courts in the North-West Frontier Province in the year 1907.

Class of Courts in which Jurors or Assessors are employed.	Established or average number of Jury or Assessors in each case and prescribed qualifications.	Number of accused persons in Jury trials.				Number of accused persons in trials with Assessors.				Remarks.
		Tried.	*As to whom the Judge* Approved verdict.	Did not approve of verdict.	Made reference under Section 307, Criminal Procedure Code.	Tried.	*As to whom the Judge* Agreed with all the Assessors.	Differed from one or more, but not from all the Assessors.	Differed from all the Assessors.	
1	2	3	4	5	6	7	8	9	10	11
Magistrates' Courts under Chapter X, Criminal Procedure Code—Jurors	...	...	...	...	...	...	...	...	...	
Courts of Session—Jurors	...	...	...	...	...	...	...	...	...	
Courts of Session—Assessors	3	...	...	...	...	151	129	4	18	Assessors are employed in Sessions cases only.
High Courts, Original (Criminal) Jurisdiction—Jurors	...	...	...	...	...	...	...	...	...	

PROVINCIAL APPENDIX A.

Statement of Serious Offences under the Indian Penal Code admitted to have occurred during 1907 in each district of the North-West Frontier Province.

Offences.	Section of Indian Penal Code.	Offences admitted to have occurred.								Remarks.
		Peshawar.	Hazara.	Kohat.	Bannu.	Dera Ismail Khan.	Total 1907.	Total 1906.	Total 1905.	
Rioting	147 and 148	75	12	19	11	4	121	77	124	
Murder	302	91	16	43	19	11	180	164	172	
„ attempt	307	26	2	16	4	1	49	34	32	
Culpable homicide ...	304	11	13	6	4	1	35	42	45	
„ „ attempt ...	308	...	...	...	...	...	...	...	1	
Hurt with aggravation ...	325 to 331	99	71	46	50	13	279	259	264	
Kidnapping	363 to 369	4	2	10	...	...	16	22	21	
Rape	376	5	2	2	...	3	12	8	10	
Unnatural offence ...	377	14	2	3	2	...	21	14	28	
Theft	379 to 382	283	89	105	95	104	676	767	750	
Robbery	392 to 394	8	4	6	2	6	26	33	41	
Dacoity with murder ...	396	2	...	5	3	...	10	12	14	
„ other cases ...	395, 397, 398, 400, 401 and 402.	23	1	8	3	6	41	34	47	
Receiving stolen property ...	411 to 414	83	21	31	13	26	174	176	196	
Mischief with aggravation ...	429 to 433	35	35	15	14	4	103	147	133	
Criminal trespass resulting in death or grievous hurt.	459 and 460	3	...	...	...	1	4	7	7	
Criminal trespass for commission of other serious offences.	454, 457 and 458.	348	101	165	73	117	804	652	741	
Criminal trespass other cases	453 and 456	3	...	6	1	...	10	14	13	
Total 1907 ...	...	1,113	371	486	294	297	2,561	...	...	
Total 1906 ...	...	1,048	370	517	264	263	...	2,462	...	
Total 1905 ...	...	1,022	431	567	336	283	...	...	2,639	

PROVINCIAL APPENDIX B.

Statement showing Criminal References to Councils of Elders under Section 11 of the Frontier Crimes Regulation and persons disposed of after such reference in each district during the years 1905, 1906 and 1907.

District.	References to Councils of Elders under Section 11 of the Frontier Crimes Regulation disposed of.			Number of persons.						Percentage of conviction.		
				Tried.			*Convicted.*					
	1905.	1906.	1907.	1905.	1906.	1907.	1905.	1906.	1907.	1905.	1906.	1907.
Peshawar ...	96	87	84	378	337	232	113	133	107	30	39	37
Hazara ...	21	19	13	106	71	22	55	34	13	52	48	59
Kohat ...	27	22	31	81	65	49	46	37	29	57	57	59
Bannu ...	23	19	13	67	66	40	40	32	28	60	45	70
Dera Ismail Khan	15	16	14	32	47	33	17	18	16	53	38	48
Total ...	183	163	153	664	586	436	271	254	193	41	43	44

REPORT

ON THE

ADMINISTRATION OF CRIMINAL JUSTICE

IN THE

NORTH-WEST FRONTIER PROVINCE

DURING THE YEAR

1908.

PUBLISHED BY AUTHORITY.

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1909.

REPORT ON THE ADMINISTRATION OF CRIMINAL JUSTICE IN THE NORTH-WEST FRONTIER PROVINCE DURING THE YEAR 1908.

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Annual Report on the Administration of Criminal Justice in the North-West Frontier Province for 1908.

Review by the Chief Commissioner.

The number of offences both reported and admitted is the highest on record since the foundation of the Province. For this the depredations of various gangs of outlaws in every district except Hazara are largely responsible. In Peshawar Zakha Khel, Mohmand and Shinwaris (Afghan), in Kohat Khattak outlaws and Khostwals, in Bannu Wazir outlaws, and in Dera Ismail Khan Shirani outlaws and Mahsuds have been a constant source of trouble, and advantage was as usual taken by local bad characters to commit burglaries in the confidence that the crime would be attributed to one or other of these gangs. An additional factor in the increase of crime has been the high rate of prices which has ruled throughout the year. Various expedients have been tried, and experiments are now suggested to deal with this increase of crime. In Peshawar the Bazar Valley and Mohmand expeditions have given relief, and in this district the number of men bound over under Section 110, Criminal Procedure Code, has risen from 94 to 268 in a single year: this has not, however, produced the desired results, and the inference is that action has not been taken against the right men. Successful action under this section depends entirely on the acquisition by Police Officers and the Magistracy of an intimate knowledge of their respective charges. As the Judicial Commissioner points out, evidence in such cases is especially difficult to appraise at its true value, and it seems inevitable that the sudden increase shown in the Peshawar District must include many cases in which the necessary local knowledge was lacking.

In Peshawar too the system of "Jirga sessions" or "Shahi jirgas" has been tried. The Judicial Commissioner is not inclined to approve of this system, but on the whole their work appears to have been good, and in that difficult class of case in which evidence is plentiful, but owing to feuds so contradictory that no Magistrate or Judge could trust himself to form a conclusion, the unanimous verdict of a large number of carefully chosen and influential men carries great weight, and can frequently be accepted with the utmost confidence. In those cases in which evidence is scanty and a jirga is expected to bring forward fresh grounds in support of their finding this class of jirga is not so suitable, but such cases can be referred to an ordinary jirga for local enquiry, as was previously done. Such jirgas are, however, inevitably open to objections and to misrepresentations, which should rarely be the case with a jirga sessions.

In Bannu political pressure on the Wazirs has had some effect in reducing raids, in Kohat captures of Khattak outlaws have had a beneficial effect, and from Dera Ismail Khan recently political pressure has been brought to bear on the Shiranis.

The Deputy Commissioners of Kohat and Dera Ismail Khan make suggestions for another experiment to cope with the increase of crime, especially in cases of thefts and burglaries, in which the percentage of convictions is disappointingly low. The suggestion is that such cases should be tried on the spot by a local jirga nominated by the Assistant Commissioner in charge of the Sub-Division. Sir George Roos-Keppel fully agrees with the Judicial Commissioner's remarks on this proposal, but many cases would be satisfactorily disposed of by this method, in which there would otherwise be no hope of redress, and the experiment would be worth trying by selected Assistant Commissioners who had a good knowledge of their Sub-Division. The Chief Commissioner agrees with the inference raised in paragraph 6 of the report that insufficient use has been made in Hazara of the provisions of Section 41, Frontier Crimes Regulation.

An increased burden has again been borne by the Courts, but their work has not suffered, and has been promptly disposed of.

The Honorary Magistrates mentioned in paragraph 15 of the report again deserve honourable mention.

The thanks of the Chief Commissioner are due to Mr. C. E. F. Bunbury for his administration of the Department during the year and for his interesting report.

PESHAWAR:
The 1st September 1909.

R. GARRATT, CAPTAIN,
Assistant Secretary to the Hon'ble the Chief Commissioner and Agent to the Governor-General, North-West Frontier Province.

N.-W. F. P. Govt. Press, Peshawar.—270 S. to C. C.—1-9-09—210.

No. 379.

FROM

C. E. F. BUNBURY, ESQUIRE, I. C. S.,

Judicial Commissioner, North-West Frontier Province,

PESHAWAR,

To

E. V. GABRIEL, ESQUIRE, C.V.O., C.S.,

Secretary to the Hon'ble the Chief Commissioner,

North-West Frontier Province.

Dated Peshawar, the 27th July 1909.

SIR,

I HAVE the honour to submit the Annual Report on the Administration of Criminal Justice in the North-West Frontier Province during the year 1908, together with the statistical tables prescribed by the Government of India.

I have the honour to be,

SIR,

Your most obedient servant,

C. E. F. BUNBURY,

Judicial Commissioner, N.-W. F. Province.

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GENERAL REVIEW OF OFFENCES.

Offences reported and admitted as true.—Judicial Statement No. 2.

1. The total number of offences reported during the year was 21,603, as compared with 19,720, in the preceding year, and is the highest recorded since the formation of this Province. Of this total 15,352 or 71 per cent. were returned as true. These figures represent grand totals and of course include security cases and other preventive proceedings which are not "Offences" at all in the ordinary acceptation of the term. The increase over the figures for 1907 has occurred in the proportion roughly of one-third in offences under the Indian Penal Code and two-thirds in cases under Local and Special Laws: the reasons for this increase will be discussed later when dealing with offences under those headings.

The table given below shows the fluctuations in each district of the Province during the past two years :—

District.	Offences reported.		Complaints dismissed *in limine*.		Cases struck off as false.		Offences admitted to have occured.		*Compensation under Section 250, Cr. P. Code.*			
									Cases.		Amount awarded.	
	1907.	1908.	1907.	1908.	1907.	1908.	1907.	1908.	1907.	1908.	1907.	1908.
Peshawar ...	8,467	8,883	1,236	1,155	377	343	6,854	7,335	31	33	829	628
Hazara ...	3,435	3,559	1,512	1,568	71	36	1,852	1,955	21	27	282	315
Kohat ...	3,163	3,630	428	550	253	224	2,482	2,856	17	12	207	104
Bannu ...	2,923	3,541	1,181	1,488	41	38	1,701	2,015	34	62	403	678
D. I. Khan ...	1,732	2,040	577	802	40	47	1,115	1,191	10	26	245	234
Total ...	19,720	21,603	4,934	5,563	782	688	14,004	15,352	113	160	1,966	1,959

Complaints dismissed *in limine*.

2. The total number of cases dismissed summarily under Section 203 of the Criminal Procedure Code was 5,563 or 26 per cent., of the offences reported, as compared with 4,934 or 25 per cent. in the preceding year. Peshawar is the only district which shows a falling off in the number of complaints thus dealt with.

The high percentage, *viz* : 44, of complaints dismissed "in limine" to the total offences reported in Hazara is an eloquent commentary on the extent to which the people of that district are prone to resort to the Criminal Courts upon frivolous or vexatious pretexts.

The general increase in the number of complaints thrown out summarily in the districts of the Derajat Division is satisfactory in so far as it indicates that a larger number of persons has been saved from the harassment of being dragged into the Criminal Courts unnecessarily. From certain observations made by the District Magistrate, however, it would appear that in the Dera Ismail Khan District, Magistrates are still apt to relegate the task of recording the initial examination of complainants to the subordinate establishment of the court, instead of performing this duty themselves. This failing on the part of local Magistracy is one which it behoves the District Magistrate to check.

There has been a slight increase from 261 in 1907 to 304 in 1908 in the number of complaints referred to the Police for preliminary inquiry under

Section 202, Criminal Procedure Code, before being summarily dismissed. The single district of Hazara has contributed 147 cases, or nearly half, to the latter total: this figure is excessive, and gives rise to the inference that Magistrates in Hazara have been shifting on to the Police the task of making the preliminary investigation which they should have performed themselves. In this connection the attention of the District Magistrate of Hazara will be again invited to the remarks made on this subject in paragraph 2 of the Provincial Report for 1904.

Compensation under Section 250, Criminal Procedure Code. Judicial Statement No. 2, Column 10 and No. 3 head 6.

3. The number of cases in which complainants who had preferred frivolous or vexatious complaints were ordered to pay compensation to the accused persons, rose from 113 in 1907 to 160 during the year under report, but at the same time the total amount awarded as compensation fell from Rs. 2,016 to Rs. 1,959. The increase is most noticeable in the Bannu District, and is satisfactory so far as it goes : but there appears to be ample scope for a more extended use of the provisions of Section 250, Criminal Procedure Code, more especially in the Peshawar and Hazara Districts.

OFFENCES UNDER THE INDIAN PENAL CODE.

Offences under the Indian Penal Code. Judicial Statement No. 2.

4. Of the total number of 21,603 offences of all kinds reported during the year 11,473 or 53 per cent. as compared with 55 per cent. in 1907 were under the Indian Penal Code; and of these 7,298 or 64 per cent. were returned as true. The following table exhibits the number of offences reported, admitted as true, and brought to trial under the Indian Penal Code during the past two years in each district :—

District.	Year.	Offences reported.	Offences admitted to have occurred.	Offences brought to trial.	Cases ending in conviction.	*Percentage of convictions to offences*	
						Admitted to have occurred.	Brought to trial.
Peshawar	1907	4,012	2,793	2,662	995	36	37
	1908	4,338	3,072	2,778	1,023	33	37
Hazara	1907	2,436	1,236	979	306	25	31
	1908	2,392	1,204	1,013	322	27	32
Kohat	1907	1,396	954	760	287	30	38
	1908	1,482	1,012	799	282	28	35
Bannu	1907	1,653	1,013	890	210	21	24
	1908	1,782	1,211	1,077	258	21	24
Dera Ismail Khan	1907	1,307	796	653	169	21	27
	1908	1,479	799	601	189	24	31
Total ...	1906	10,383	6,347	5,519	1,907	30	35
	1907	10,804	6,792	5,944	1,967	29	33
	1908	11,473	7,298	6,268	2,074	28	33

There has been a considerable increase in offences reported and admitted as true under the Indian Penal Code : the increase in cases falling under the latter category has been most marked in Peshawar and Bannu.

In connection with offences generally under the Indian Penal Code the Sessions Judge, Peshawar, (Mr. Barton) remarks:—

"There can be little doubt that the modern system of law in force on the Frontier is unsuited to a population whose ethics are little, if anything, in advance of that of the Dark Ages in Europe; and it is questionable whether the Frontier Crimes Regulation as

worked at present affords a sufficient corrective. To take an illustration : I think it will be conceded that many of the more serious forms of crime as defined in the Penal Code, *e. g.*, theft, burglary, grievous hurt, are to Pathan ideas little more than torts, and in conformity with Pathan custom should ordinarily he made the subject of pecuniary compensation. Such crime is not regarded as an offence against society and the victim gets little solace from the imprisonment of the offender, if this is unaccompanied with redress of the injury received. A little more elasticity of procedure appears necessary, but this is rather a matter for the executive and outside my province."

With regard to these observations it may be pointed out that the law as it stands, by enabling the courts to punish the offender with fine and imprisonment and to award compensation in appropriate cases to the aggrieved party, provides a dual *solatium* even for Pathan idiosyncrasies on the subject of certain forms of crime. If, then, the law in force on the Frontier fails to keep those forms of crime in check the fault would appear to lie not with the state of the law, but with the way in which it is administered.

Serious offences under the Indian Penal Code, admitted to have occurred. Provincial Appendix A.

5. A table is attached as Provincial Appendix A, showing for each district in the Province the number of offences admitted to have occurred under the most important heads of crime.

These statistics exhibit increases more or less marked under every head of serious crime, excepting riots and attempts to murder.

With regard to the increase of heinous offences in the Peshawar District, the District Magistrate (Major Blakeway) has offered the following explanation :—

"The past year has of course been one in which an unsettled border has been directly responsible for a great deal of violent crime. The depredations of various notorious outlaws and the general insecurity occasioned by their successful raids no doubt afforded a convenient cloak to the enterprises of the criminal and disaffected amongst our own subjects. It is unnecessary to refer in detail to the well known story of Zakka Khel raids led by Multan and outlaws from Nazian in Afghan territory, which ended in an audaciously conceived and highly successful raid on Peshawar City in February; or to the raids by the Koda Khel robber Muhasil and his Utman Khel ally Mirbaz in the Doaba tract of the district, where the occurrence of four serious raids in the course of a few days in April strained the forbearance of Government to breaking point. The Zakka Khel and Mohmand expeditions resulted from these attacks by transfrontier gangs, and a reference is only made to them here to emphasize the fact that Police and Magistracy cannot cope with a political situation demanding the despatch of an expeditionary force."

As regards the increase in burglaries the District Magistrate of Peshawar (Major Blakeway) writes :—

"The rise from 348 to 406—the previous figure being itself a considerable advance on the total of 241 recorded in 1906—is unsatisfactory. Even this figure, I have little doubt, does not represent the true number of these occurrences in the district. It is known by the public that a burglary is a case in which success does not often attend the Police investigation, and many cases no doubt remain unreported in consequence. Of the 406 cases admitted to have occurred only 109 were brought to trial, and of these again only 84 cases ended in convictions. This increase has occurred in spite of the fact that the number of persons required to give security for good behaviour has also risen from 143 and 94 in 1906 and 1907 to 268 in 1908, and it can only be supposed that the right persons have not been placed on security: that is to say that only the small and uninfluential men have been hunted out and that their protectors and harbourers have escaped. Changes amongst the Police Officers in charge of stations have been unduly frequent, and I am inclined to attribute a good deal of the house-breaking to their want of knowledge of their *Thanas*."

Upon this the Sessions Judge remarks :—

"The tendency to send up some wretched scape-goat from a criminal village as a substitute for the real *badmash* will only be obviated when we have experienced Magistrates available with a first-hand knowledge of their *ilaqa* acquired by extensive touring."

In connection with the foregoing remarks the Judical Commissioner considers it expedient to warn Magistrates that they should view with great caution allegations on the part of the prosecution in "badmashi" cases that the house of an accused person, against whom proceedings are being taken under

Section 110, Criminal Procedure Code, had been searched on suspicion in connection with such and such burglaries. Allegations of this kind should be sifted by careful cross-examination: for it frequently happens that, in consequence of a single burglary, the houses of half-a-dozen or more reputed bad characters are searched on suspicion: and even though nothing incriminating be found therein, yet the fact of such search having been made is commonly brought up as a count in the indictment against each one of these individuals in the event of proceedings being subsequently taken against him under Section 110, Criminal Procedure Code.

6. In Hazara an increase of 34 cases falling under the head of theft has been attributed to the higher prices of food-stuffs. No explanation has been offered by the District Magistrate for the increase in murders, which have risen by 50 per cent. as compared with 1907. No less than 20 out of the 24 murders are said to have occurred over women, and in a good many of these cases the cause of quarrel ought to have been known to the local headmen. At the same time the statistics show that only 19 persons were bound over in this district in security under Section 41, Frontier Crimes Regulation, which covers the case of feuds likely to lead to bloodshed. These circumstances in combination give rise to the inference that insufficient attention has been paid in Hazara to security proceedings as a preventive of murder.

7. In regard to the Kohat District, the most striking feature of the statistics in Provincial Appendix A, is the heavy increase in offences of dacoity of all kinds from 13 in 1907 to 30 in 1908. All the 9 cases of dacoity with murder were the work of outlaws or transborder men: and in connection with these offences the District Magistrate of Kohat (Mr. Barton) writes:—

"The most serious was the case at Torawari referred to above in which, as stated, six men were killed and 16 rifles and some 379 rounds of ammunition carried off. Judicial action against the offenders not being feasible, a heavy political fine was imposed on the Khojal Khel Wazirs, and the frontier remission of the Torawari village was confiscated. A fine on the village is also being proposed."

In connection with the general state of crime in the Kohat District the following remarks recorded by the District Magistrate (Mr. Barton) are of interest:—

"The population has doubtless an innate propensity for crime, and the law, as it at present stands, with its inelasticity of procedure, fails to supply a thorougly effective remedy. But even with methods more suited to the backward state of the country, a marked improvement in the moral tone of the people cannot be looked for so long as trans-frontier example influences the criminally disposed within this district; and an outlaw's life offers attractions to the man who is prepared to qualify for a life of exile by committing openly violent crime in British territory. The outlaw pest is a curse to the community and will continue so until a strong central Government is established in Kabul and the British Government can bring pressure to bear on the Kabul authorities to keep outlaws in order. The Khattak outlaws settled in Khost have been the terror of the countryside, and short of a ring of posts along the exposed border it seems impossible to keep them out of the district. They can cross unobserved in a hundred places, and once within the boundary they can spend days in the rugged mountains of the Khattak *Ilaqa* without being seen. Every effort has been made to make their enterprise dangerous and difficult. Relatives of outlaws have been put on security; posts of levies and Samana Rifles located on the border; the Kabul Khel have been induced to hold the Kurram line when gangs are out; big rewards have been offered; proceedings have been taken against persons suspected of harbouring outlaws; small isolated "Bandas" where the gangs get food and information by terrorism are in some cases to be removed and so on. Still the activity of the gang goes on almost unchecked. It may be mentioned that they are encouraged by the Khost authorities, and that the Khost population furnishes many recruits. The worst offences of the year may be put down to these marauders; and they are indirectly responsible for much of the violent crime which occurs in the Khattak *Ilaqa*, as our own bad characters are encouraged by the idea that any offence that they may commit will be put down to the score of outlaws. I believe an improvement will follow the better armament of the population and the organization of the *Chigha* system, but so far I have not succeeded in getting a fresh consignment of rifles."

8. The increase in serious crime against property which has occurred in the Bannu District is ascribed to the high prices which have ruled for food grains throughout the year. There were 7 dacoities, in 4 of which murder was

committed : and in connection with these offences the District Magistrate of Bannu (Lt.-Colonel Minchin) writes :—

"In all these raids except one the offenders were either trans-frontier men or outlaws from this District who have made their headquarters in Khost or in Independent Territory. They came in gangs of 9 or 10 men all well armed, and in every case managed to cross the border again without loss, and in several cases with a good deal of loot. In most of these raids the object was to loot and kidnap wealthy Hindus; and the rapid succession of seven raids naturally caused much alarm among the Hindu population of the district, who took refuge in large numbers in Bannu City."

"It was remarked in last year's report that the drastic measures which had been taken against certain tribes for having given passage to the outlaws on their marauding expeditions would discourage further kidnapping raids. This hope has so far not been realized. Political action has again been taken against certain tribes and villages and its results are being watched."

It may be mentioned that sums totalling over Rs. 11,000 were subsequently paid by their relatives for the ransom of three Hindus who had been carried off in these dacoities : so the kidnapping of Hindus must have proved a very lucrative pastime for the raiders who made these successful forays in the Bannu District.

9. The increases under the heads of dacoities, murders and kidnapping in the Dera Ismail Khan District have been attributed to the depredations of the outlaw Sohrab and to a gang of Shirani and other trans-border raiders. The Jat outlaw Sohrab, to whose daring exploits a reference was made in paragraph 10 of last year's report, was killed during 1908 in an encounter with the Border Military Police.

10. The above extracts, which have been taken from the District Reports, serve to show up very clearly the extent to which the trans-Indus districts of this Province are exposed to the depredations of organized gangs of marauders operating from Independent Territory. The state of things thus disclosed is one with which the ordinary District Police and Magistracy can hardly be expected to cope successfully. In January last information was received that the notorious freebooter Multan with an armed gang had again come into the Peshawar District with the object of committing dacoity : measures were taken to surround the gang, and eventually Multan himself and one of his companions were killed, while seven others, all armed with rifles, were taken prisoners ; but it was necessary to employ a considerable military force to accomplish this result.

LOCAL AND SPECIAL LAWS.

11. The number of offences reported under Local and Special Laws was 10,130 as compared with 8,916 in 1907 and 8,088 in 1908.

Offences under Local and Special Laws.—Judicial Statement No. 2-A.

The increase has occurred chiefly under the head of Security cases and in offences under the Acts relating to Forests, Stage Carriages and Workmen's Breach of Contract.

An increase of 114 offences punishable under the Forest Regulation, which has occurred in the Hazara District, has thus been explained by the District Magistrate (Captain Keen) :—

"The great increase in the number of forest cases was due to the very dry spring and consequent firing that was done. An enormous area of Government reserved forest and of the village Guzaras was burnt. The people firmly believe that, if they want good grass, it is absolutely necessary to burn the Guzaras. A new policy has been started this year in dealing with these offences. It has been decided that instead of wholesale fining which was the custom in the past, the Guzaras shall be closed in whole or in part as may be necessary and guards put on to see that the orders are carried out. Proposals have been made in the new Hazara Forest Regulation for the funding of all fines imposed in order to form a fund for the rewarding of those who look after their Guzaras well : and it is to be hoped this will soon be sanctioned by the Government, for the granting of good rewards is far more likely to be successful in improving Guzaras which is the object of the Regulation, than the imposing of fines or imprisonment."

There has been a rise of 144 cases under the Workmen's Breach of Contract Act in the Kohat District, but no explanation has been offered for the increase. The District Magistrate of Kohat should take steps, however, to satisfy himself that the summary procedure of Act XIII of 1859 is not being applied by the local Magistracy to disputes of a civil nature between contractors and workmen which should be settled by the ordinary machinery of the Civil Courts.

Miscellaneous proceedings under the Criminal Procedure Code:—Judicial Statement No. 3, and Security cases under the Frontier Crimes Regulation—Judicial Statement No. 2-A.

12. The table given below shows for each district the number of persons proceeded against for security to keep the peace and for good behaviour, and also the number of persons dealt with under the security provisions of the Frontier Crimes Regulation during the past two years :—

PROCEEDINGS.	Year.	TOTAL PERSONS.									
		PESHAWAR.		HAZARA.		KOHAT.		BANNU.		D. I. KHAN.	
		Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of.	Convicted.
Breach of peace Chapter VIII, Criminal Procedure Code.	1907	1,571	961	286	114	1,170	616	506	417	381	167
	1908	3,068	1,342	346	168	1,110	550	696	630	401	302
To prevent murder Section 40, Frontier Crimes Regulation.	1907	40	40	10	10	24	15	34	34	11	6
	1908	18	18	1	1	19	14	9	9	19	12
Families with blood feuds, Section 41, Frontier Crimes Regulation.	1907	1,913	1,608	40	38	1,264	872	476	473	53	45
	1908	1,478	1,189	48	43	1,624	1,036	431	414	69	49
Further Security, Section 46, Frontier Crimes Regulation.	1907	447	398	...	...	204	137	...	...	...	...
	1908	350	290	...	...	300	204	...	...	...	...
Total ...	1907	3,971	3,007	336	162	2,662	1,640	1,016	924	445	218
	1908	4,914	2,839	395	212	3,053	1,804	1,136	1,053	489	363
Security for good behaviour, Section 110, Criminal Procedure Code.	1907	137	94	21	17	123	88	51	40	29	20
	1908	317	270	73	57	77	51	86	54	29	20

In the Peshawar District there has been a heavy increase in cases falling under Section 107, Criminal Procedure Code, and this has been accompanied by a marked decrease in the number of persons dealt with under Sections 41 and 46 Frontier Crimes Regulation. In this connection the District Magistrate (Major Blakeway) remarks :—

"The reason for these variations in the employment of the Security Sections of the Criminal Procedure Code and Frontier Crimes Regulation cannot be given with any certainty, and depends, so it seems to me, considerably on the personal idiosyncrasies of the Magistrates. Ordinarily it is of course preferable that the Security Sections of the Frontier Crimes Regulation should be employed in all cases relating to women, and there is no reason to suppose that these cases have diminished during the year; so it would appear that some Magistrates must have dealt with feuds under Section 107, Criminal Procedure Code, which would have been more appropriately disposed of under Section 41, Frontier Crimes Regulation."

With regard to these observations it would appear desirable that the District Magistrate should issue standing instructions to the local Magistracy so as to ensure uniformity of practice in administering the security provisions of the law.

Out of 3,068 persons brought to trial under Section 107, Criminal Procedure Code, in the Peshawar District, only 1,342 or 44 per cent. were bound over. That is to say, no less than 1,726 persons were dragged into court upon applications for security to keep the peace, only to be discharged. This indicates neglect on the part of the Magistrates to make a proper preliminary inquiry and to exercise the power of summary dismissal. At the same time the inapplicability of Section 250, Criminal Procedure Code, to security cases which have been vexatiously preferred invites their institution as a much safer way of gratifying private spite than the institution of a criminal complaint: and the desirability of amending the law in this respect, to which attention was drawn in paragraph 7 of the Provincial Report for 1906, has been emphasized still further by the statistics of the year now under report.

The high proportion of discharges, *viz*: 50 per cent., in cases under Section 107, Criminal Procedure Code, in Hazara and Kohat show that in those districts also processes had been issued upon applications for security to keep the peace without sufficient inquiry into the real merits of the applications. By comparison with these results the figures for Bannu, where 630 persons were bound over in security out of 696 brought to trial show up very favourably.

13. The number of persons bound over in security for good behaviour has risen from 259 in 1907 to 452 in 1908. The greater portion of the increase has been contributed by Peshawar, in which district the provisions of Section 110, Criminal Procedure Code, had undoubtedly been employed to an insufficient extent during 1907: the number of bad characters under security in the Peshawar District has now reverted more to the normal of preceding years.

GENERAL RESULT OF CRIMINAL TRIALS.

14. Of the 31,724 persons under trial during the year the cases of 31,141 persons were disposed of. Of these 16,182 or 52 per cent. as against 51 in 1907 were discharged or acquitted. As usual Hazara (59 per cent.) and Dera Ismail Khan (57 per cent.) have the highest proportions of discharges and acquittals in the Province.

General result of criminal trials. Judicial Statement No. 4.

Additional District Magistrates disposed of 132 cases as compared with 112 in exercise of the enhanced powers conferred on them under Section 30, Criminal Procedure Code.

District Magistrates disposed of 46 cases as against 70 in 1907 under their ordinary powers, 20 as compared with 23 under their enhanced powers, and 1,916 as compared with 1,540 under the Frontier Crimes Regulation. The District Magistrates of Kohat and Hazara only disposed of 1 and 4 cases respectively in exercise of their enhanced powers during 1908; and the Judicial Commissioner had occasion to draw the attention of these officers to the standing orders which require the Chief Magistrate in each district, except Peshawar, to dispose of the bulk of what are known as Section 30 cases himself.

The provisions of Section 562 of the Criminal Procedure Code were applied to 41 persons in 1908 as compared with 23 persons in 1907.

15. Honorary Magistrates sitting singly and in Benches disposed of 1,803 cases as compared with 1,260 in 1907. The increase is due to a new Bench having been created in Bannu City, and to the appointment of two new Honorary Magistrates of the second class in the Yusafzai Sub-division.

Honorary Magistrates.

Nawab Arbab Mohammed Hosein Khan (263 cases under ordinary and 27 cases under enhanced powers) and Khan Bahadur Arbab Azam Khan (169 cases) in the Peshawar District, and Faqir Abul Hassan (89 cases) in Bannu deserve special mention for their honorary services in the cause of the administration of criminal justice; while the Bench of Honorary Magistrates at Peshawar, by disposing of 759 cases, afforded material relief to the stipendiary staff of that heavily-worked district.

16. Three European British Subjects were brought to trial during the year under report in the Court of the Cantonment Magistrate, Nowshera. One was tried under Section 380 of the Indian Penal Code, and was sentenced to two months' rigorous imprisonment. Another was tried and sentenced uuder Section 457, Indian Penal Code, to three months' rigorous imprisonment. The third was acquitted on charges under Sections 409 and 471, Indian Penal Code : an appeal was preferred by the Local Government to the Chief Court of the Punjab against the order of acquittal, and was still pending at the close of the year.

European British Subjects.

17. The proportion of persons sentenced to rigorous imprisonment to whom solitary confinement was awarded rose slightly from 44 to 45 per cent. There is no doubt that the reason why solitary confinement is not more generally inflicted is that the addition of this form of punishment is commonly overlooked by the Magistracy through inadvertence. One first-class Magistrate in the Peshawar District awarded solitary confinement to only six persons out of 119 sentenced to rigorous imprisonment.

Punishments.—Judicial Statement No. 5.

18. The total fines imposed during the year amounted to Rs. 94,170 as against Rs. 83,420 in the previous year. A sum of Rs. 71,940 or 76 per cent. was realized, out of which Rs. 16,256 were paid by way of compensation by order of the courts.

Fines.

19. Sentences of whipping totalled 179 under the Whipping Act and 15 under the Frontier Crimes Regulation. Eleven juveniles, as against 5 in 1907, were sentenced to whipping in lieu of other punishment.

Whipping.

APPEALS AND REVISIONS.

20. The number of persons who appealed to District Magistrates was 785 of whom 250 persons or 32 per cent. had their sentences altered or reversed. The sentences of 21 appellants were enhanced by the District Magistrates and Sessions Judges as against 24 in 1907 ; this figure is very moderate and shows that the special powers of enhancement are being utilized sparingly and with proper discretion.

Appeals and revisions.—Judicial Statement No. 6.

The average duration of appeals was 13 days in the Courts of District Magistrates, and 15 days in Courts of Sessions.

FRONTIER CRIMES REGULATION.

21. A table is attached as Provincial Appendix B, showing the number and results of criminal references to Councils of Elders under Section 11 of the Frontier Crimes Regulation. The number of such references rose from 153 to 182 and the percentages of convictions from 44 to 47.

Frontier Crimes Regulation.—Provincial Appendix B.

22. The remarks of the Deputy Commissioner of Peshawar (Major Blakeway) on the working of Jirgas in that district are reproduced below :—

"At the close of the year under report a new system of trial by Jirga was introduced under which a large and representative assembly of about fifty of the leading men of the district is summoned every quarter, and the cases which have been selected for reference under Section 11, Frontier Crimes Regulation, during the previous three months are then laid for disposal before the assembly, which has been designated the Jirga Sessions. By dividing the Jirga into two or three smaller parties and distributing the cases from day to day amongst these bodies, the particular members of the Jirga who will decide any case are unknown to the complainants and accused beforehand. The cases are decided on the spot, and no local visit is paid to the scene of the offence. The new system is admittedly an experiment and has been introduced in the hope that the extensive corruption which has tarnished the reputation of the Peshawar Jirgas may be thereby lessened. So far the results are encouraging, though no doubt there are disadvantages as well as advantages connected with the alteration in the procedure hitherto obtaining. There has undoubtedly, however, been a marked decrease in the solicitation and presentation of illicit gratifications in cases decided during the two sessions which have so far been held."

The experiment, which is here referred to, of appointing "Shahi Jirgas" in the Peshawar District appears to be an adaptation of a system which prevails among Baloch tribes, who have the good fortune to possess in their Tumandars men of commanding position and influence among their followers, but which is foreign to Pathan communities. The new method indeed traverses the fundamental principle underlying the Jirga system of the Frontier Crimes Regulation, as applied to the districts of the North-West Frontier Province. That principle was that the strength of local knowledge, supplemented by local inquiry, affords the proper corrective for the weakness of direct judicial evidence: whereas under the new system there is no local inquiry, and it may happen that of the members of the Sub-Jirga told off to try a particular case, not one man comes from the locality where the crime occurred; so they would possess no local knowledge to assist them towards a right verdict. The new system, however, is stated to be merely experimental, so its further developments may be awaited with interest. The Judicial Commissioner, however, is not sanguine that this new system will prove more successful, even in minimizing the chances of corruption, than the methods hitherto in vogue for selecting and nominating Jirgas in the Peshawar District: in fact, he understands that recently several members of a "Shahi Jirga" were publicly denounced for taking bribes.

23. The Frontier Crimes Regulation in this Province has rightly been regarded as intended to supplement, and not to usurp the place of, the regular law: hence, generally speaking, criminal references to Councils of Elders have been confined to cases arising out of the most heinous forms of crime. Two of the district officers, however, appear to be in favor of a more extended use of the Jirga system for the trial of less heinous offences. Thus the Deputy Commissioner of Dera Ismail Khan (Mr. Pipon) writes :—

"From my previous knowledge of this and other districts I can say there is no district in which the Jirga system works better. I venture to think that the established practice by which the Jirga is reserved for the most heinous offences is the wrong one. It is in these offences that the greatest temptations are offered to the Jirga, while Police enquiries tend to be less searching from the knowledge that there is a Jirga trial to fall back upon. Personally I do not believe that the abolition of Jirgas in murder cases would lead to an increase of crime or be unpopular with the people. At the same time I believe that the Jirga system could be used far more extensively in less serious offences, both in those of professional crimes and in those where the offence is a private injury. The leading men of the neighbourhood are interested in bringing professional thieves to book, and they can be trusted to deal out a rough and ready form of justice in comparatively trivial disputes. Where they can be less trusted is in the trial of murders due to powerful and wide-spread factions—the very class of cases in which they are mostly employed. The fact that the Jirga has not been used for smaller offences is due, of course, largely to the difficulty that only one officer—the District Magistrate—is empowered for make a reference under Section 11, Frontier Crimes Regulation."

Again the Deputy Commissioner of Kohat (Mr. Barton) remarks :—

"Another point which may be noticed in this connection is the inefficiency of our methods of dealing with crime such as theft and burglaries as evidenced by the small percentage of convictions. For example, covictions were obtained in only 34 out of the 121 cases of theft admitted; and in 20 out of the 152 cases of burglary. In must also be remembered that a very large number of theft cases goes unreported. The inference is obvious that crime of this kind is attended with very little danger. The remedy I would suggest is that cases, in which there is no judicial proof should be taken up on the spot by the Deputy Commissioner or the Assistant Commissioner Hangu: the Maliks and *Motabars* convened as a Jirga, and the case proved or disproved by customary Pathan methods. Orders would then be passed under Section 11 Frontier Crimes Regulation and the accused discharged or convicted. In cases of conviction it would be best to impose a fine equal to the damage done with a small sentence of imprisonment. Too much severity would deter the villagers from giving assistance and the main thing is to discourage crime by making it unprofitable. This is a procedure which would, I feel sure, commend itself to the people in whom the idea of redress is much stronger than the desire for the punishment of the offender."

There is a good deal to be said in favor of the views thus put forward. The objections to the more extended use of the Jirga system for the trial of less heinous offences, however, are that it would throw an extra burden upon district officers who are already heavily worked, and might tend to encourage slackness in investigation on the part of the Police, who would look to Jirga

proceedings for a conviction. Nevertheless the plan might be tried experimentally in those sub-divisions where the Assistant Commissioner in charge is of sufficient standing and experience to be entrusted with the powers of a Deputy Commissioner under the Frontier Crimes Regulation.

SESSIONS COURTS.

Work of Sessions Courts.

24. The following table shows the criminal business disposed of in the two Sessions Courts of the Province.

SESSIONS COURTS.	SESSIONS CASES.		CRIMINAL APPEALS (CASES.)		CRIMINAL REVISIONS (PERSONS.)	
	1907	1908	1907	1908	1907	1908
Peshawar	58	38	321	405	107	85
Derajat	32	34	222	167	36	25

The average duration of Sessions cases was 47 days in Peshawar and 50 in the Derajat Court, while that of appeals was 14 and 17 days respectively.

It will be seen from the foregoing figures that the work in the Peshawar Sessions Court continues to be very much heavier than that in the Derajat Court. The Judicial Commissioner desires to take this opportunity of placing on record his appreciation of the hard-working and conscientious manner in which Lieutenant-Colonel Inglis has discharged the duties of Divisional and Sessions Judge of Peshawar, an appointment which he has held substantively since July 1900. The functions of the Divisional and Sessions Judge of Peshawar are extremely onerous, though they are not of a kind to catch the public eye. Having borne the strain of this office on and off for eight and a half years without taking furlough, Lieutenant-Colonel Inglis unfortunately broke down and was recently invalided to Europe, where it is to be hoped that he will be rapidly restored to health.

JUDICIAL COMMISSIONER'S COURT.

25. The criminal business disposed of in the Judicial Commissioner's Court was as follows :—

YEAR.	MURDER REFERENCES.		CRIMINAL APPEALS.		CRIMINAL REVISIONS.	
	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
1907	37	37	115	140	78	110
1908	20	20	118	152	98	126

Capital sentences were confirmed in the case of eleven persons and commuted in the case of six, while 3 persons under sentence of death were acquitted. It is noticeable that whereas the number of murders and of dacoities with murder committed in this Province rose from 190 in 1907 to 223 in 1908, the number of capital sentences submitted to this Court for confirmation during those years fell from 37 to 20.

The Judicial Commissioner inspected the Courts of one Additional District Magistrate and three Extra Assistant Commissioners in the districts of Hazara and Dera Ismail Khan during the year.

District Reports.

26. The reports received from Peshawar, Kohat and Bannu were full and carefully compiled, and they reflect the interest which the Chief Magistrates of those districts have taken in the administration of criminal justice within their respective charges.

C. E. F. BUNBURY,

Judicial Commissioner, N.-W. F. Province.

JUDICIAL STATEMENT No. 1.—(Civil and Criminal.)

STATEMENT SHOWING THE NUMBER OF JUDICIAL DIVISIONS AND THE NUMBER OF OFFICERS EXERCISING APPELLATE OR ORIGINAL JURISDICTION IN THE NORTH-WEST FRONTIER PROVINCE ON THE LAST DAY OF THE YEAR 1908, WITH THE COST OF TRIBUNALS.

(Imperial.) JUDICIAL STATEMENT

Statement showing the number of Judicial Divisions and the number of Officers exercising the year 1908, with

Name of Province.			Area in square miles.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.
1			2	3	4	5	6
N.-W. FRONTIER PROVINCE.	Territory subject to the High Court	Civil	13,197	2,050,724	2	5	16
		Criminal			2	5	16
		Revenue			...	...	...
	Territory not subject to the High Court ...	Civil	...	...	...	...	...
		Criminal	...	...	...	...	...
		Revenue	...	...	...	...	...

No. 1.—(*Civil and Criminal*).

Appellate or Original Jurisdiction in the North-West Frontier Province on the last day of the cost of Tribunals.

Total Number of Officers exercising Original or Appellate Jurisdiction.					Total Number of Cases decided.				Total receipts of the Courts.	Total charges of the Courts.	Remarks.		
					Original.		*Appeals.*						
Judges of Chief Court of Province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of Districts.	Judges of District Courts other than Chief Courts.	Judges of other Sub-ordinate Courts.	Regular.	Miscellaneous.	Regular.	Miscellaneous.					
7	8	9	10	11	12	13	14	15	16	17	18		
1	2	4	22	26	25,511	5,449	2,028	146	Rs. 3,65,970	Rs. 5,65,524	Grades of Judicial Officers.	Europeans.	Natives.
1	2	3	31	75	14,192	10,750	1,009	56					
...	...	...	...	...	...	...	...	...			Officers exercising both Original and Appellate jurisdiction. — High Court Judges.	1	...
...	...	...	...	...	...	...	...	...			Officers exercising both Original and Appellate jurisdiction. — Divisional Judges.	2	...
...	...	...	...	...	...	...	...	...			Officers exercising both Original and Appellate jurisdiction. — District Judges.	2	2
...	...	...	...	...	...	...	...	...			Officers exercising both Original and Appellate jurisdiction. — Additional Judges.	...	...
...	...	...	...	...	...	...	...	..			Officers exercising both Original and Appellate jurisdiction. — Subordinate Judges.	...	2
											Officers exercising Original jurisdiction only. — Small Cause Court Judges.	2	...
											Officers exercising Original jurisdiction only. — Munsifs ...	...	6

JUDICIAL STATEMENT (Imperial).

Statement of offences reported and of persons tried, convicted and acquitted

	Description of Offence.		Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.
	1		2	3	4
	Offences against the State, Chapter VI of the Indian Penal Code		...	...	...
	Do. relating to the Army and Navy ... ... Chapter VII		...	...	...
	Do. against the public tranquillity ... ... „ VIII		172	115	113
	Do. by or relating to public servants ... ... „ IX		15	11	9
	Contempts of the lawful authority of public servants ... „ X		110	98	102
	False evidence and offences against public justice ... „ XI		118	104	104
	Offences relating to coin and Government stamps ... „ XII		11	8	7
	Do. do. to weights and measures ... „ XIII		2	2	2
	Do. affecting the public health, safety, convenience, decency and morals ... „ XIV		64	51	49
	Do. relating to religion ... „ XV		24	11	12
Offences affecting the Human Body, Chapter XVI.	Offences affecting life		394	330	306
	Causing of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births		15	7	5
	Hurt		3,075	2,029	2,098
	Wrongful restraint and wrongful confinement		139	75	71
	Criminal force and assault		712	465	454
	Kidnapping, forcible abduction, slavery and forced labour		118	49	50
	Rape		21	14	15
	Unnatural offence		41	23	23
Offences against Property, Chapter XVII.	Theft		1,348	844	624
	Extortion		21	8	7
	Robbery and dacoity		208	132	58
	Criminal misappropriation of property		87	45	45
	Criminal breach of trust		299	151	151
	Receiving of stolen property		216	191	187
	Cheating		181	84	84
	Fraudulent deeds and disposition of property		4	1	1
	Mischief		924	459	408
	Criminal trespass		1,972	1,397	802
	Offences relating to documents and to trade or property marks, Chapter XVIII		30	13	13
	Criminal breach of contracts of service ... ... „ XIX		1	...	...
	Offences relating to marriage ... ... „ XX		730	340	336
	Defamation ... ... „ XXI		54	27	25
	Criminal intimidation, insult and annoyance ... ... „ XXII		357	214	197
		Total ...	11,473	7,298	6,268
	Offences under Special and Local Laws		10,130	8,054	8,022
		Grand Total ...	21,603	15,352	14,290

No. 2—(*Criminal*).

of each class of offence in the North-West Frontier Province in the year 1908.

Number of persons.					Remarks.
Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another Province.	Remaining under trail.	
5	6	7	8	9	13
...	...	...	...	...	
...	...	...	...	...	
1,114	403	618	2	91	Rs. 158 paid as compensation under Section 250, Criminal Procedure Code.
14	4	10	...	...	
170	85	75	...	10	
150	45	95	1	9	
7	2	4	...	1	
2	...	2	...	...	
97	55	42	...	...	„ 38 „ „ „ „ „
26	21	5	...	...	
716	328	275	3	110	„ 30 „ „ „ „ „
5	1	3	...	1	„ 5 „ „ „ „ „
4,910	3,927	915	3	65	„ 323 „ „ „ „ „
172	156	15	...	1	„ 21 „ „ „ „ „
1,071	912	151	1	7	„ 40 „ „ „ „ „
120	87	29	...	4	„ 75 „ „ „ „ „
18	10	8	...	...	
38	22	13	...	3	
1,169	588	523	...	58	„ 476 „ „ „ „ „
25	20	5	...	...	
318	147	144	...	27	„ 60 „ „ „ „ „
87	55	32	...	...	„ 18 „ „ „ „ „
218	157	47	2	12	„ 91 „ „ „ „ „
272	86	179	...	7	„ 25 „ „ „ „ „
124	85	33	...	6	„ 22 „ „ „ „ „
1	1	...	...	...	„ 50 „ „ „ „ „
1,129	979	113	...	37	„ 159 „ „ „ „ „
1,903	1,485	375	1	42	„ 107 „ „ „ „ „
26	19	6	...	1	„ 7 „ „ „ „ „
...	...	...	...	...	
788	668	92	2	26	„ 144 „ „ „ „ „
36	28	4	...	4	
351	318	29	1	3	„ 45 „ „ „ „ „
15,077	10,694	3,842	16	525	„ 1,884 „ „ „ „ „
16,417	5,488	10,868	3	58	„ 75 „ „ „ „ „
31,494	16,182	14,710	19	583	„ 1,959 „ „ „ „ „

(Imperial.) JUDICAL STATEMENT

Statement of offences reported and of persons tried, convicted and acquitted

DESCRIPTION OF OFFENCE.			Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.
1			2	3	4
Offences under Local and Special Laws					
Proceedings under the Code of Criminal Procedure			3,981	2,257	2,194
Breach of Laws relating to—					
Arms, ammunition and Military stores	Act	XI of 1878 ...	215	183	196
Canals	,,	VIII of 1873 ...	187	100	98
Cantonments	,,	XIII of 1889 ...	771	771	771
Cattle trespass	,,	I of 1871 ...	202	105	100
Code of Civil Procedure	,,	V of 1908 ...	...	...	...
Companies Act	,,	VI of 1882 ...	...	...	...
Contract workmen	,,	XIII of 1859 ...	321	292	294
Contract by workmen on Railways and other Public Works ...	,,	IX of 1860 ...	...	...	...
Criminal Tribes and Eunuchs	,,	XXVII of 1871 ...	...	...	...
Emigration	,,	VII of 1871 ...	...	...	...
Excise on spirits and drugs	,,	XII of 1896 ...	32	31	31
Factories	,,	XV of 1881 ...	...	...	...
Farcy and Glanders	,,	XX of 1879 ...	...	...	...
Ferries	,,	XVII of 1878 ...	2	2	2
Foreigners	,,	III of 1864 ...	...	...	...
Forest	,,	VII of 1878 ...	267	265	236
Gambling	,,	III of 1867 ...	23	23	23
Hackney and Stage Carriages	,,	XVI of 1861 & XIV of 1879 ...	465	464	465
License Act	,,	II of 1878 ...	...	...	...
Marriages, Christian	,,	XV of 1872 ...	...	...	...
Municipalities	,,	XX of 1891 ...	397	385	382
Murderous outrages	,,	XXIII of 1867 ...	...	...	...
Opium	,,	I of 1878 ...	18	16	18
Police	,,	V of 1861 ...	476	476	481
Post Office	,,	XIV of 1866 ...	3	3	3
Printing Presses	,,	XXV of 1867 ...	...	...	...
Prisons	,,	IX of 1894 ...	5	5	5
Chaukidari Rules	,,	...	435	429	...
Railways	,,	IX of 1890 ...	29	21	428
Registration	,,	III of 1877 ...	2	2	20
Salt and Saltpetre	,,	XII of 1882 ...	8	8	2
Stamps	,,	II of 1899 ...	3	3	8
Telegraph	,,	XIII of 1885 ...	2	1	3
Treasure Trove	,,	VI of 1878 ...	...	...	...
Vagrancy, European	,,	IX of 1874 ...	...	...	...
Wandering and dangerous lunatics	,,	XXXVI of 1858 ...	...	...	...
Explosives Act	,,	IV of 1884 ...	...	...	...
Cruelty to animals	,,	XI of 1890 ...	23	23	23
N. W. B. M. P. Act	,,	IV of 1904 ...	15	15	15
Punjab Transport Animals Act	Punjab	I of 1903 ...	2	1	1
Minor Canals Act	,,	II of 1905 ...	2	2	2
		TOTAL ...	7,886	5,853	5,821
Frontier Regulations.					
Regulation III of 1901, Section 22			20	20	20
Do. ,, ,, 29			9	9	8
Do. ,, ,, 30			54	38	39
Do. ,, ,, 33			5	5	5
Do. ,, ,, 35			165	163	163
Do. ,, ,, 36			94	87	87
Do. ,, ,, 37			19	18	18
Do. ,, ,, 41			1,561	1,544	1,544
Do. ,, ,, 40			41	41	41
Do. ,, ,, 46			276	276	276
		TOTAL ...	2,244	2,201	2,201
		GRAND TOTAL ...	10,130	8,054	8,022

No. 2 A.—*(Criminal).*

of each class of offence in the N.-W. Frontier Province in the year 1908.

NUMBER OF PERSONS.					REMARKS.
Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another Province.	Remaining under trial.	
5	6	7	8	9	10
6,212	2,759	3,444	...	9	
237	63	172	...	2	
200	107	92	1	...	Rs. 22 paid as compensation under Section 250, Cr. P. C.
954	129	825	...	...	
294	241	53	...	...	Rs. 19
...	...	...	...	...	
...	...	...	...	...	
364	247	115	...	2	
...	...	...	...	...	
...	...	...	...	...	
...	...	...	...	...	
42	6	36	...	...	
...	...	...	...	...	
...	...	...	...	...	
5	5	...	...	...	Rs. 20
...	...	...	...	...	
677	257	393	...	27	
106	4	102	...	...	
490	39	450	...	1	
...	...	...	...	...	
...	...	...	...	...	
416	78	336	1	1	Rs. 12
...	...	...	...	...	
19	3	16	...	...	Rs. 2
498	61	436	...	1	
3	1	2	...	...	
...	...	...	...	...	
5	1	4	...	...	
...	...	...	...	...	
788	276	502	...	10	
27	9	17	...	1	
19	1	18	...	...	
12	2	10	...	...	
6	...	7	...	...	
...	...	...	...	...	
...	...	...	...	...	
...	...	...	...	...	
...	...	...	...	...	
30	...	30	...	...	
15	...	15	...	...	
1	1	...	...	...	
3	2	1	...	...	
11,423	4,292	7,075	2	54	Rs. 75
14	...	14	...	...	
18	5	9	...	4	
43	19	23	1	...	
7	2	5	...	...	
396	48	348	...	...	
121	25	96	...	...	
29	10	19	...	...	
3,650	919	2,731	...	...	
66	12	54	...	...	
650	156	494	...	...	
4,994	1,196	3,793	1	4	
16,417	5,488	10,868	3	58	

(Imperial.) JUDICIAL STATEMENT No. 3.—(*Criminal.*)

Statement of Miscellaneous Proceedings under the Criminal Procedure Code in the North-West Frontier Province during the year 1908.

Nature of Proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1. Proceedings against witnesses under Chapter XXXV and Section 485.	...	...	...	...	
2. Proceedings under Chapter VIII, to prevent breach of the peace, and Sections 40, 41 and 46, Frontier Crimes Regulation.	3,534	10,011*	3,716	6,291*	*Include 18 persons dealt with under Section 106, Criminal Procedure Code.
3. Proceedings under Chapter VIII, Security for good behaviour.	547	587	130	450	
4. Proceedings against local nuisances, Chapter X.	3	5	4	1	
5. Possession, Chapter XII ...	139	406	249	157	
6. Frivolous or vexatious accusations summarily dealt with under Chapter XX, Section 250.	160	166	...	166	
7. Non-attendance of Jurors or Assessors, Chapter XXIII, Section 332.	...	...	...	...	
8. Maintenance, Chapter XXXVI.	258	259	178	80	
9. Forfeiture of bail or recognizance under Chapter XLII.	101	162	34	128	
10. Proceedings under Chapter XLVI, Section 563, against convicted offenders released under Section 562.	27	41	3	38	
Total ...	4,769	11,637	4,314	7,311	

JUDICIAL STATEMENT No. 4.—(CRIMINAL).

STATEMENT SHOWING THE GENERAL RESULT OF CRIMINAL TRIALS IN THE TRIBUNALS OF VARIOUS CLASSES IN THE NORTH-WEST FRONTIER PROVINCE IN THE YEAR 1908.

(Imperial). JUDICIAL STATEMENT

Statement showing the general result of criminal trials in the tribunal of

Class of Courts.	Total number of persons under trial.	PERSONS WHOSE CASES					
		Died, escaped or transferred to another province.	Discharged or acquitted.	CONVIC			
				On regular trial.			
				Sentence passed.	Released on probation, Section 562, Criminal Procedure Code.	*Youthful offenders dealt with under Section 31, Act VIII of 1897.*	
						Discharged after admonition.	Delivered to parent or guardian, &c.
1	2	3	4	5	6	7	8
Village officers	...	...	...	...	...	...	...
Subordinate Magistrates: Special Magistrates under Section 14.	125	...	42	81	...	...	...
Subordinate Magistrates: Honorary Magistrates sitting singly	2,083	...	1,452	537	...	...	...
Subordinate Magistrates: Stipendiary ditto ...	22,100	12	12,322	7,880	32	...	...
Subordinate Magistrates: Benches of Magistrates ...	1,497	2	827	401	...	...	...
District and Divisional Magistrates—Cases referred under Sections 347, and 349, C. P. Code.	5	...	...	4	1	...	...
Chief Magistrates of Districts ...	5,711	5	1,496	4,107	3	...	...
Courts of Sessions	182	...	40	75	4	...	...
Superior Courts	21	...	3	16	...	...	...
Total ...	31,724	*19	16,182	13,101	40	...	...

No. 4—*(Criminal).*

various classes in the North-West Frontier Province in the year 1908.

WERE DISPOSED OF.									
TED.									
ON SUMMARY TRIAL.									
Sentence passed.	Released on probation, Section 562, Criminal Procedure Code.	*Youthful offenders dealt with under Section 31, Act VIII of 1897.*		Committed or referred.	Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.	REMARKS.
		Discharged after admonition.	Delivered to parent or guardian, &c.						
9	10	11	12	13	14	15	16	17	18
...	...	...	...	...	...	...	...	...	
...	...	...	...	...	2	70	9	152	
...	...	...	...	15	79	795	10	1,776	
1,280	...	...	...	170	404	9,864	8	25,757	
251	...	...	...	...	16	1,008	7	282	
...	...	...	...	...	...	5	1	...	
37	1	...	...	8	54	2,356	4	774	
...	...	...	...	37	26	75	46	1,004	
...	...	...	...	...	2	19	15	...	* Died.
1,568	1	...	...	230	583	14,192	8	29,745	

(Imperial.) JUDICIAL STATEMENT

Statement showing the punishments inflicted by the various Criminal

Class of Tribunal.	Persons Sentenced to								Persons ordered to find or give security or recognizance to keep the peace or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.
	Death.	Transportation.	Penal servitude.	Imprisonment.		Forfeiture of property.	Fine.	Whipping.		
				Rigorous.	Simple.					
1	2	3	4	5	6	7	8	9	10	11
Village Officers	...	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. Special Magistrates under Section 14 ...	...	...	...	14	4	...	72	1	...	...
Subordinate Magistrates. Honorary Magistrates sitting singly ...	...	...	...	113	1	...	215	1	256	...
Subordinate Magistrates. Stipendiary Magistrates sitting singly ...	...	...	...	2,104	94	...	4,364	169	3,189	18
Subordinate Magistrates. Benches of Magistrates	...	...	...	25	...	...	629	2	...	...
District and Divisional Magistrates—Cases referred under Sections 347 and 349, Cr. P. C.	...	...	...	...	...	...	...	4	...	...
Chief Magistrates of Districts	...	...	...	287	2	...	550	17	3,282	23
Courts of Sessions	...	27	...	45	...	...	...	...	3*	2
Superior Courts	10	6	...	...	...	...	...	...	...	...
Total ...	10	33	...	2,588	101	...	5,830	194*	6,730	43

*Includes 15 under Frontier Crimes Regulation. 96 persons were ordered to remove under Frontier Crimes Regulation. Fulfilment

No. 5.—(*Criminal.*)

Tribunals in the North-West Frontier Province in the year 1908.

Detail of Punishment.																
Fine.									*Imprisonment.*					*Whipped.*			Number of boys whose sentences were commuted to detention in a Reformatory School.
Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	15 days and under.	6 months and under	2 years and under.	7 years and under.	Above 7 years.	10 stripes and under	20 stripes and under	30 stripes and under	
12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
53	18	1	...	...	...	786	736	35	4	14	...	...	...	...	1	...	
130	81	4	...	...	...	3,525	2,663	402	14	56	26	18	...	1	...	...	
3,426	821	90	24	3	...	55,477	38,290	10,357	358	1,314	458	86	...	22	94	53	
599	29	1	...	...	...	2,111	1,872	36	3	22	...	...	...	...	2	...	
...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	2	...	
389	56	53	39	8	5	32,271	28,040	5,356	11	30	85	132	54	1	9	7	
...	...	...	...	...	...	...	339	70	...	10	17	16	4	...	...	...	
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
4,597	1,005	149	63	11	5	94,170	71,940	16,256	390	1,446	586	252	58	26	108	60	

of contract was ordered in 101 cases under Act XIII of 1859.

(Imperial.) JUDICIAL STATEMENT No. 5 A.—(*Criminal*).

STATEMENT SHOWING THE PARTICULARS OF WHIPPINGS INFLICTED BY THE CRIMINAL TRIBUNALS DURING THE YEAR 1908.

PART I.

Showing whippings inflicted under Sections 2 and 3, Act VI of 1864, in lieu of other punishments.

Offences for which awarded.	Number of stripes awarded.			Total.
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	
In lieu of other punishments. (Sections 2 and 3, Act VI of 1864.				
1. Theft as defined in ... ... Section 378, I.P.C.	4	23	19	46
„ 380, „	1	9	4	14
„ 381, „	1	7	4	12
„ 382, „	...	2	1	3
2. Extortion as defined in ... „ 388, „	...	...	...	...
„ 389, „	...	...	...	...
3. Dishonestly receiving stolen property as defined in „ 411, „	5	13	5	23
„ 412, „	...	...	...	...
4. Lurking house-trespass as defined in „ 443, „	...	1	...	1
5. Lurking house-trespass by night as defined in. „ 444, „	...	...	...	...
6. House-breaking as defined in ... „ 445, „	1	...	...	1
7. House-breaking by night as defined in „ 446, „	...	5	...	5
7½. Lurking house-trespass ... „ 454, „	1	1	...	2
8. Lurking house-trespass ... „ 457, „	...	14	7	21
9. Grievous hurt under Section 324	...	2	...	2
10. Do. Section 325	...	1	...	1
11. Do. „ 326	...	1	...	1
12. Criminal breach of trust as defined in Section 406 ...	...	1	...	1
13. Do. do. do. „ 408 ...	...	...	1	1
14. Rape as defined in Section 376	...	...	1	1
On first conviction	13	79	42	...
On reconviction	...	1	...	...
Total ...	13	80	42	135

PART II.

Showing whippings inflicted in addition to other punishments, Sections 3 and 4, Act VI of 1864.

OFFENCES FOR WHICH AWARDED.	NUMBER OF STRIPES.			TOTAL.
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	
In addition to other punishments.				
(Sections 3 and 4.)				
A.—SECTION 3.				
1. Theft as defined in ... Section 378, I. P. C.	4	3	4	11
„ 380 „	...	...	1	1
„ 381, „	2	1	1	4
„ 382, „	...	...	...	...
2. Extortion as defined in ... „ 388, „	...	...	...	...
„ 389, „	...	...	...	...
3. Dishonestly receiving stolen property as defined in ... „ 411, „	...	6	1	7
„ 412, „	...	...	...	...
4. Lurking house-trespass as defined in „ 443, „	...	...	...	...
5. Lurking house-trespass by night as defined in. „ 444, „	...	...	1	1
6. House-breaking as defined in ... „ 445, „	...	...	...	...
7. House-breaking by night as defined in. „ 446, „	...	...	5	5
8. House-breaking by night as defined in. „ 457, „	2	1	1	4
„ 458, „	...	...	1	1
B.—SECTION 4.				
1. False evidence as defined in ... Section 193, I. P. C.	...	...	...	...
„ 194, „	...	...	...	...
„ 195, „	...	...	...	...
2. False charge of unnatural offence, as defined in Sections 211 and 377, „	...	1	...	1
3. Assault as defined in ... Section 354, „	...	...	...	...
4. Rape as defined in ... „ 375, „	...	...	1	1
5. Unnatural offence as defined in „ 377, „	...	...	3	3
6. Robbery as defined in ... „ 390, „	...	...	...	...
7. Dacoity as defined in ... „ 391, „	...	1	2	3
8. Attempt at robbery as defined in „ 393, „	...	...	...	...
9. Hurt in committing robbery as defined in. „ 394, „	...	...	1	1
10. Receiving stolen propery as defined in „ 403, „	...	...	...	...
11. Forgery as defined in ... „ 463, „	...	...	...	...
„ 466, „	...	...	...	...
„ 467, „	...	...	...	...
„ 468, „	...	...	...	...
„ 469, „	...	...	...	...
12. Lurking house-trespass as defined in. „ 454, „	...	1	...	1
13. Lurking house-trespass by night as defined in. „ 457, „	...	3	...	3
14. House-breaking as defined in ... „ 445, „	...	...	...	...
15. Grievous hurt ... ... „ 325, „	...	...	1	1
Total ...	8	17	23	48

Part III.

Showing whippings inflicted under Section 5, Act VI of 1884, on Juveniles for offences other than those specified in Parts I and II.

Offence.	Stripes.			Total.
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	
Section 326	...	1	...	1
„ 376	...	1	...	1
„ 377	...	1	...	1
„ 379	...	4	...	4
„ 380	2	...	...	2
„ 381	1	...	...	1
„ 451	...	1	...	1
On first conviction	3	8	...	11
On reconviction	...	...	...	...
Total ...	3	8	...	11

Part IV.

Showing the relative number of times whipping was awarded as compared with other punishments in cases in which whipping might have been awarded.

Punishments.	Number.	Remarks.
1. Total number of whippings awarded	194	
2. Total number of other punishments in cases in which whipping might have been awarded.	839	
3. Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2.)	1,023	
4. Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3)	18·9	

JUDICIAL STATEMENT No. 6.—(CRIMINAL).

STATEMENT SHOWING THE RESULT OF APPEAL AND REVISION IN CRIMINAL CASES IN THE NORTH-WEST FRONTIER PROVINCE IN THE YEAR 1908.

(Imperial). JUDICIAL STATEMENT

Statement showing the result of Appeal and Revision

Tribunals.	Number of: Total number of appellants and applicants for revision before the Court.	Died, escaped, transferred to another province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.
1	2	3	4	5	6
Appeal.					
To Chief Magistrates of Districts	785	...	118	363	18
„ Courts of Sessions	842	...	321	230	3
„ Superior Courts — by persons convicted	154	1	10	59	4
„ Superior Courts — by Government from judgments of acquittal	2	...	...	...	1
Total ...	1,783	1	449	652	26
Revision.					
By Chief Magistrates of Districts	320	...	296	...	...
„ Courts of Sessions	118	...	103	...	...
„ Superior Courts	128	...	59	25	1
Total ...	566	...	458	25	1
Grand Total ...	2,349	1	907	677	27

No. 6.—*(Criminal).*

in Criminal cases in the North-West Frontier Province in the year 1908.

Persons.						Average number of days during which each appeal lasted.	Remarks.
Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.		(Showing number of persons dealt with under Section 106 (3) of the Criminal Procedure Code or under Section 8, Clause (2) of the Reformatory Schools Act.)
7	8	9	10	11	12	13	14
92	158	...	2	...	34	13	
176	92	1	3	...	16	15	
45	27	...	2	...	6	31	
...	...	...	1	...	...	46	
313	277	1	8	...	56	16	
...	...	...	4	12	8	12	
...	...	...	...	11	4	16	
8	25	...	8	...	2	16	
8	25	...	12	23	14	14	
321	302	1	20	23	70	15	

(Imperial.) JUDICIAL STATEMENT No. 13.—(*Criminal*).

Statement showing the use of Juries and Assessors in the Criminal Courts in the North-West Frontier Province in the year 1908.

Class of Courts in which Jurors or Assessors are employed.	Established or average number of Jury or Assessors in each case and prescribed qualifications.	Number of accused persons in Jury trials.				Number of accused persons in trials with Assessors.				Remarks.
		Tried.	*As to whom the Judge.*			Tried.	*As to whom the Judge.*			
			Approved verdict.	Did not approve of verdict.	Made reference under Section 307, Criminal Procedure Code.		Agreed with all the Assessors.	Differed from one or more, but not from all the Assessors.	Differed from all the Assessors.	
1	2	3	4	5	6	7	8	9	10	11
Magistrates' Courts under Chapter X, Criminal Procedure Code—Jurors.	...	...	...	...	...	...	...	...	...	
Courts of Sessions Peshawar and Derajat, Assessors.	3	...	...	...	...	81	71	1	9	
High Court, Original (Criminal) Jurisdiction—Jurors.	...	...	...	...	...	...	...	...	...	
TOTAL ...	3	...	...	...	...	81	71	1	9	

PROVINCIAL APPENDIX A.

Statement of Serious Offences under the Indian Penal Code admitted to have occurred during 1908, in each district of the North-West Frontier Province.

Offences.	Section of Indian Penal Code.	Offences admitted to have occurred.								Remarks.
		Peshawar.	Hazara.	Kohat.	Bannu.	Dera Ismail Khan.	Total 1908.	Total 1907.	Total 1906.	
Rioting	147 and 148	48	9	13	6	11	87	121	77	
Murder	302	95	24	42	26	19	206	180	164	
„ attempt... ...	307	26	2	12	6	2	48	49	34	
Culpable homicide ...	304	24	9	13	...	6	52	35	42	
Hurt with aggravation ..	325 to 331 and 333	127	82	43	51	17	320	279	259	
Kidnapping	363 to 369	17	3	8	10	10	48	16	22	
Rape	376	5	3	2	2	2	14	12	8	
Unnatural offence ...	377	15	1	4	2	1	23	21	14	
Theft	379 to 382 and 401	397	123	124	91	109	844	676	767	
Robbery	392 to 394	16	...	10	2	7	35	26	33	
Dacoity with murder ...	396	10	...	9	4	1	24	10	12	
„ other cases ...	395, 397 to 400 and 402	35	2	21	3	12	73	41	34	
Receiving stolen property ...	411 to 414	98	25	31	16	21	191	174	176	
Mischief with aggravation ...	429 to 433 and 435 to 440	34	47	20	18	10	129	103	147	
Criminal trespass resulting in death or grievous hurt.	459 and 460	14	1	3	106	5	129	4	7	
Criminal trespass for commission of other serious offences.	449 to 452, 454, 455, 457 & 458	406	109	152	1	105	773	804	652	
Total 1908 ...	...	1,367	440	507	344	338	2,996	...	...	
Total 1907 ...	...	1,110	371	480	293	297	...	2,551	...	
Total 1906 ...	...	1,044	363	516	264	261	...	...	2,448	

PROVINCIAL APPENDIX B.

Statement showing Criminal References to Councils of Elders under Section 11 of the Frontier Crimes Regulation and persons disposed of after such references in each district during the years 1906, 1907 and 1908.

District.	References to Councils of Elders under Section 11 of Frontier Crimes Regulation disposed of			Number of persons.						Percentage of conviction.		
				Tried.			*Convicted.*					
	1906	1907	1908	1906	1907	1908	1906	1907	1908	1906	1907	1908
Peshawar	87	84	101	337	292	378	133	107	157	39	37	42
Hazara ...	19	11	16	71	22	65	34	13	43	48	59	66
Kohat	22	31	37	65	49	84	37	29	37	57	59	44
Bannu ...	19	13	11	66	40	31	32	28	14	45	70	45
D. I. Khan ...	16	14	17	47	33	62	18	16	42	38	48	68
Total ...	163	153	182	586	436	620	254	193	293	43	44	47

REPORT ON THE ADMINISTRATION OF CRIMINAL JUSTICE IN THE NORTH-WEST FRONTIER PROVINCE FOR THE YEAR 1909.

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REPORT

ON THE

ADMINISTRATION OF CRIMINAL JUSTICE

IN THE

NORTH-WEST FRONTIER PROVINCE

FOR THE YEAR

1909.

PUBLISHED BY AUTHORITY.

Peshawar:
PRINTED AT THE "COMMERCIAL" PRESS BY D. C. ANAND & SONS, GOVT. PRINTERS, N.-W. F. PROVINCE.

1910.

Annual Report on the Administration of Criminal Justice in the North-West Frontier Province for 1909.

Review by the Chief Commissioner.

1. The report on the Administration of Criminal Justice for 1909 shows a satisfactory increase in the number of cases that were disposed of by the courts. The increase of crime has been fully discussed by the Chief Commissioner in his review of the annual Police Report; it will suffice here to say that the excess of 681 offences under the Indian Penal Code over last year's figures denotes that the rise in crime is serious; it is not due to a more stringent application of local and special laws.

2. The statement in the first paragraph of the report gives ground to infer that the courts have not availed themselves sufficiently of the provisions for checking frivolous and vexatious prosecutions. Of 2,192 cases dismissed *in limine* in the Hazara District, in 38 cases only was compensation awarded, a total sum of Rs. 552 being given; that is, in 1·7 per cent. of the cases found to be causeless an average sum of Rs. 14 was adjudged. Similarly in Bannu of 1,088 cases dismissed *in limine*, in 35 only was a sum of Rs. 365 awarded as compensation. The attention of the courts should be drawn to Section 250, Code of Criminal Procedure.

3. Of the number of cases referred to the Police for preliminary enquiry, one-half were contributed by the Hazara District. The Judicial Commissioner remarked last year (when the proportion was slightly less) that the Magistrates of that district appeared inclined to shift their responsibility in this matter to the Police. The subject was also noticed in the report for 1904. No doubt the number of cases instituted on complaint is large in Hazara; but it is probably less than one-half of those instituted in the Province. The figures of institutions on complaint and of references of such to police enquiry might with advantage be given in next year's report per district, and meantime the District Magistrate of Hazara should see that Magistrates do not refer cases to the Police unnecessarily.

4. The proportion of convictions to the total number of cases brought to trial and of offences admitted to have occurred, is unsatisfactory and shows a falling off in all districts except Kohat. The difficulties with which the magistracy have to contend in this country are well known. False evidence is freely employed, and there is the persistent tendency of Pathans to incriminate an enemy even when the actual culprit is well known to be some one else. But these characteristics of the people are not new, they have existed ever since British Administration began, and therefore these causes do not explain why a steadily increasing number of trials should end in acquittals. The subject should be considered during the current year, and the Chief Commissioner will be glad of the Judicial Commissioner's opinion thereon next year. Statistics in the Report do not show if the causes assigned in Bannu and Dera Ismail Khan are borne out by the facts.

5. The figures given and remarks quoted in the 5th paragraph of the report throw insufficient light on the administration of criminal justice owing to the omission to distinguish offences committed by trans-border criminals from those committed by residents of the districts. The Chief Commissioner requests that the figures may be given separately in future; the reasons for doing so have been stated in the Review of the Police Report. In Peshawar, the decrease in dacoities appears to be due to the destruction of Multan's gang and the improved condition of affairs in Tirah, and not to any decrease in the crime within the district. The large total of 105 murder cases, there being no increase in murders by trans-border men, in this one district within the year

by itself indicates unsatisfactory conditions. On the other hand, the increase of kidnapping cases from 8 to 20 in Kohat is not a serious symptom in the district administration; for these offences were almost entirely due to gangs of outlaws, with whom it was almost impossible for the Police and the Courts to cope. To obtain a true view of the working of the Courts it is necessary to eliminate cases with which they are ordinarily not called upon to deal.

6. In the concluding sentences of the 7th paragraph of the Report it appears that in Bannu of 450 persons to whom notice was issued under Section 107, Code of Criminal Procedure, 429 were bound over in 176 cases. 456 cases were thrown out summarily, or nearly three to one of those found true. The Chief Commissioner is inclined to agree that it may be necessary to bring frivolous applications under Section 107 within the scope of Section 250, Code of Criminal Procedure, and it is understood that the question is engaging the attention of the Government of India among the various proposed amendments of the Code.

7. Mr. Merk does not agree with the Judicial Commissioner's view in the 12th paragraph of the Report regarding solitary confinement. In the present state of crime this form of punishment should be resorted to more freely. Mr. Merk would not call solitary confinement, as enforced in this country, an exceedingly severe punishment, and with grave crime steadily on the increase, Magistrates clearly must avail themselves of the stringency of which the law permits.

8. Opinions of Officers are quoted in paragraph 16 regarding the extension of the Frontier Crimes Regulation to trivial cases. This may give good results occasionally, but it must not be forgotten that the Regulation was made primarily and principally to cope with serious crime; as is abundantly clear from the correspondence at the time of its enactment in 1887.

The question of the introduction of the "Shahi Jirga" system has been adverted to by the Judicial Commissioner. It is not an easy question to decide. The circumstances of the Baluchistan Agency differ widely from those of the two-and-a-half million inhabitants of the five settled districts of this Province to whom the Regulation of 1887 as amended by that of 1901 principally applies. The character and the social and tribal institutions of Baluchis and cognate tribes differ still more widely from those of the mainly Pathan population of the Province. It stands to reason that a system which has grown up and flourishes under one set of conditions cannot be transplanted to another set of conditions without considerable modifications to adapt it to the latter. When the Regulation of 1887 was passed, which is the parent of the present Regulation of 1901, it was remarked that the object of trial by jirga is to supplement the weakness of legal evidence by the local knowledge and local enquiry of the jirga. That is the keystone of the system. Owing to the peculiar character of Baluchis and the existence of the *tumandar* system, it is ordinarily needless for a 'Shahi' Jirga in Baluchistan to make a local enquiry. On this occasion the Chief Commissioner will not enter further into the matter and must leave it for future consideration.

A change in the present system of composition of jirgas is advocated owing to the difficulties of obtaining proper members to serve on jirgas and of checking bribery. From an experience of 30 years, Mr. Merk can say that these difficulties have always existed. In the matter of bribery, he is inclined to think that it does not obtain to the extent that is alleged, seeing that whichever party gains its point in a jirga trial, the natural tendency of the other party is to attribute that result to bribery.

9. Mr. Merk is glad to acknowledge the valuable services rendered by the Honorary Magistrates. He considers that the system of appointing large benches to act as "Justices of Petty Sessions" can with great advantage be extended throughout the Province.

In conclusion, Mr. Merk desires to record his recognition of the efficient and thorough manner in which Mr. C. E. F. Bunbury, C.S.I., late Judicial Commissioner, presided over the Criminal Administration of the Province for eight and-a-half years.

H. N. BOLTON,

PESHAWAR:
The 15th October 1910.

Secretary to the Hon'ble the Chief Commissioner and Agent to the Governor-General, North-West Frontier Province.

N.-W. F. P. Govt. Press, Peshawar.—247 S. to C. C.—15-10-10—210.

No. 459.

FROM

A. L. P. TUCKER, ESQUIRE, C.I.E., I.C.S.,

Judicial Commissioner, North-West Frontier Province,

Peshawar,

To

H. N. BOLTON, ESQUIRE, I.C.S.,

Secretary to the Hon'ble the Chief Commissioner,

North-West Frontier Province.

Dated Peshawar, the 28th July 1910.

SIR,

I have the honour to submit the Annual Report on the Administration of Criminal Justice in the North-West Frontier Province during the year 1909, together with the statistical tables prescribed by the Government of India.

I have the honour to be,

SIR,

Your most obedient servant,

A. L. P. TUCKER,

Judicial Commissioner, N.-W. F. Province.

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No. 13.—Statement showing the use of Juries and Assessors in the Criminal Courts in the North-West Frontier Province in the year 1909.

Provincial Appendix A.

Statement of serious offences under the Indian Penal Code admitted to have occurred during 1909 in each district of the North-West Frontier Province.

Provincial Appendix B.

Statement showing the criminal references to Councils of Elders under the Frontier Crimes Regulation in each district during the three years 1907, 1908 and 1909.

Annual Report on the Administration of Criminal Justice in the North-West Frontier Province during the year 1909.

GENERAL REVIEW OF OFFENCES.

1. An increase in the number of offences reported and those returned as true has again to be recorded.

Offences reported and admitted as true.—Judicial Statement No. 2.

The number of offences reported during the year was 21,839 against 21,603 in 1908. That of those admitted to have occurred was 15,524 against 15,352 in 1908. These figures include offences both under the Indian Penal Code and under Local and Special Laws. Although there has been a decrease of 443 cases in the latter there is an increase in the former of 681.

The table below shows the variations in each district in the past two years:—

District.	Offences reported.		Complaints dismissed *in limine*.		Cases struck off as false.		Offences admitted to have occurred.		*Compensation under Section 250, Cr. P. Code.*			
									Cases.		Amount awarded.	
	1908.	1909.	1908.	1909.	1908.	1909.	1908.	1909.	1908.	1909.	1908.	1909.
											Rs.	Rs.
Peshawar	8,883	8,458	1,155	1,211	343	205	7,335	7,042	33	72	628	1,414-10-0
Hazara ...	3,559	4,549	1,568	2,192	36	82	1,955	2,275	27	38	315	552-0-0
Kohat ...	3,630	3,334	550	425	224	214	2,856	2,695	12	14	104	230-0-0
Bannu ...	3,541	3,357	1,488	1,088	38	106	2,015	2,163	62	35	678	365-0-0
D. I. Khan	2,040	2,141	802	688	47	104	1,191	1,349	26	34	234	332-4-0
Total ...	21,603	21,839	5,563	5,604	688	711	15,352	15,524	160	193	1,959	2,893-14-0

2. Of the total number of offences reported 5,604 (or 26 per cent., as in the previous year) were dismissed *in limine* The percentage of complaints thrown out summarily during the past 3 years has been well maintained. In Peshawar the proportion of complaints thus dismissed (14 per cent.), is low and the figure for Kohat is 13 per cent only. In Bannu and in Dera Ismail Khan the proportion is 32 per cent. In Hazara the percentage is as high as 48. In this district the propensity of the people to resort to the Courts on frivolous and vexatious pretexts has been previously noticed.

Complaints dismissed *in limine*.

Complaints referred to the Police for preliminary enquiry under Section 202 of the Criminal Procedure Code, before being summarily dismissed, decreased from 304 in 1908 to 242. One half of this number was contributed by the single district of Hazara. The proportion is excessive and the District Magistrate should take effective steps for its reduction, with reference in particular to the remarks recorded by the Judicial Commissioner in paragraph 2 of his Report for 1908.

3. The number of cases in which complainants who had preferred frivolous and vexatious complaints were ordered to pay compensation to accused persons rose from 160 in 1908 to 193, and the amount ordered to be paid as compensation from Rs. 1,959 to Rs. 2,893.

Compensation under Section 250, Criminal Procedure Code.—Judicial Statement No. 2, column 10 and No. 3, head 6.

This increase is satisfactory especially in Peshawar where the number rose from 33 to 72 and the amount from Rs 628 to Rs. 1,413. The Judicial Commissioner agrees with the District Magistrate that in Hazara, which is notorious for frivolous complaints, there is room for improvement.

OFFENCES UNDER THE INDIAN PENAL CODE.

Offences under the Indian Penal Code.—Judicial Statement No. 2.

4. Of the total number of 21,839 offences of all kinds reported during the year, 12,154, (or 56 per cent. as compared with 53 per cent. in 1908), were under the Indian Penal Code. Of these 8,031, (or 66 per cent. as against 64 in 1908), were returned as true. The following table exhibits the number of offences reported, admitted as true, and brought to trial under the Indian Penal Code during the past two years in each district:—

District.	Year.	Offences reported.	Offences admitted to have occurred.	Offences brought to trial.	Cases ending in conviction.	Percentage of convictions to offences.	
						Admitted to have occurred.	Brought to trial.
Peshawar	1908	4,338	3,072	2,778	1,023	33	37
	1909	3,982	2,947	2,659	938	32	35
Hazara	1908	2,392	1,204	1,013	322	27	32
	1909	2,970	1,594	1,172	307	19	26
Kohat	1908	1,482	1,012	799	282	28	35
	1909	1,470	1,045	937	394	38	42
Bannu	1908	1,782	1,211	1,077	258	21	24
	1909	1,982	1,367	1,138	273	20	24
Dera Ismail Khan	1908	1,479	799	601	189	24	31
	1909	1,750	1,078	801	166	15	20
Total ...	1907	10,804	6,792	5,944	1,967	29	33
	1908	11,473	7,298	6,268	2,074	28	33
	1909	12,154	8,031	6,707	2,078	26	31

There has been a considerable increase in the number of offences reported, admitted and brought to trial in the Hazara, Bannu and Dera Ismail Khan districts, and a decrease in Peshawar. In Kohat, except that there has been an increase in the number of cases brought to trial, the figures are fairly stationary. Major Blakeway, C.I.E., (Peshawar), observes as to these general figures :—

"No doubt a great deal of the crime is more nominal than real, and merely due to the inveterate love of the inhabitants for fighting cases in our Criminal Courts. It is only necessary to quote, in support of this proposition, the fact that during the year under report, 1,540 and 417 persons respectively came before the District Courts in hurt and assault cases, of whom 929 were acquitted or discharged in the former class of cases, and 256 in the latter, owing to the withdrawal of the complaint or non-appearance of the complainant. The cause of the increase in actual crime on the other hand must probably be looked for in such general factors as the advance of the district in wealth and population, which has not been accompanied by an equal uplifting of the moral standards of the people, and the greater influx of trans-frontier tribesmen."

Except in Kohat and in Bannu the percentage of convictions to offences admitted to have occurred and brought to trial has decreased. In Hazara and Dera Ismail Khan this is attributed to the settlement of more cases out of Court by private compromise.

Serious offences under the Indian Penal Code admitted to have occurred.—Provincial Appendix A.

5. The Provincial Appendix A, shows for each district of the Province the number of offences admitted to have occurred under the most important heads of crime. The totals for 1907 and 1908 have been added for the purposes of comparison. In Peshawar there has been

an increase in the offences of rioting, murder and kidnapping and a decrease in offences against property. Major Blakeway observes :—

"The figures exhibit very clearly the trend of crime during the past year. Whereas violent crime against the person has increased to some extent, there has been a marked falling off in burglaries, thefts, and all offences against property accompanied by violence. This well marked difference in the prevailing type of crime requires some explanation. In the case of the decrease of offences against property the more peaceful border, better surveillance by the Police of the bad characters and a more judicious employment of Section 110, Criminal Procedure Code, have contributed to the improved state of affairs. For the retrograde movement in the case of homicidal crime it is, however, hard to find a convincing reason beyond the difficulty which the Courts experience in convicting the persons accused in such cases. The number of cases in which the Sessions Court has found it possible to inflict the extreme penalty, or even to convict owing to the badness of the evidence, is so small compared to the total number of offences that murderers must feel the chances of evading the law very much in their favour. Out of 105 murder cases and 295 persons brought to trial the conviction of only 27 persons in 13 cases occurred in the Sessions Court."

"*Robberies and Dacoities.*—The decrease in the number of robberies, which were one-half the number recorded in the previous year, is with the decrease in burglaries the most satisfactory feature of the criminal returns of the year. The capture of Multan's gang and the infliction of the death penalty in the case of each dacoit had an immediate and marked result in the cessation of dacoities on the southern and western border of the district; and on the Mohmand border special measures—police and administrative, into which I need not enter here—also did much towards the suppression of lawlessness."

In Hazara there is an increase in cases of rioting and kidnapping and a large increase in those of theft. Murders are still very high (21) against 24 in 1908).

In Kohat murders rose from 42 to 48 and robberies from 10 to 15. The District Magistrate (Mr. W. P. Barton) observes :—

"The increase in this class of offence is regrettable; but at the same time it is not strongly marked; and in the conditions prevailing on the Kohat border and within the district it is impossible to account for the rise with any approach to scientific exactitude. Society, as is well known,is permeated with the blood-feud and although the activity of the avenger of blood is confined by preventive measures, it is impossible to hold the feeling under absolute control and in any given year the blood-feud may by a series of mere accidents claim a larger number of victims than the average. The persistency of the *vendetta* is extraordinary and there have been cases during the past years in which after lying dormant for 20 or 30 years it has suddenly flamed out afresh. Security, too, in some cases fails to protect often because the amount exacted is not heavy enough. In cases in which quarrels over a woman ended in bloodshed, there were a few in which prompt action by the Police might have obviated the fatal consequences; but in such matters the blame more frequently rests with the lambardars. As regards murders by trans-border men, it is sufficient to say that with at least three gangs of reckless outlaws hovering on the confines of the district, this class of crime can not be prevented."

Kidnapping cases in Kohat rose from 8 to 20 and are a very serious feature. Mr. Barton remarks regarding these cases :—

"In five of these, Hindus were carried off with the object of being held up to ransom, on payment of which they were allowed to return. As observed in last year's report, the abduction of rich Hindus is an enterprise to which the Khost outlaw gangs devote most of their energies; and they doubtless find it a profitable and not particularly dangerous pursuit. The Pathan villagers have not rendered themselves conspicuous for assistance given on such occasions, and as a rule they confine themselves to a perfunctory *chiga* with absolute avoidance of risk. In most cases the village communities in fault have been fined under the Frontier Crimes Regulation as a punishment for their apathy. With the distribution of rifles they will have no excuse in future and the operations of the gangs will be attended by greater danger."

On this the Sessions Judge (Mr. E. H. Kealy) observes :—

"I am convinced that more energy and enterprise on the part of the more courageous villagers would often result in the rescue of their unfortunate and less bold Hindu brethren."

Burglaries in Kohat fell from 152 to 143. The District Magistrate thinks that the number is still far too high. Convictions resulted in 16 cases only.

The principal difficulties in the administration of criminal justice in the Kohat district arise from its position on the border. The efficient protection of the border is clearly the first object to be achieved.

In Bannu serious offences rose from 344 in 1908 to 469. To this district the same observation will apply with even greater force.

The District Magistrate remarks :—

"The district as usual again suffered from the depredation of outlaws from this district reinforced by trans-frontier ruffians. There was renewed activity on the part of these absconders from justice during the year and they made no less than 18 descents on the district or about 3 times the number of 1908. In some of these raids they were successfully repulsed with loss by the villagers or the Border Military Police of the district. The principal motive actuating these raids was to kidnap wealthy people, preferably Hindus, and subsequently to demand a heavy ransom for them. Resort to drastic measures against the tribes in sympathy with the outlaws became imperative and under the orders of the Chief Commissioner the relatives of some of the principal Maliks were arrested and sent to Peshawar in order to rouse these Chiefs to a sense of their responsibility in checking the incursions of these marauders from across the Frontier. This measure was successful and as a result many of the kidnapped Hindus were brought back by the Maliks. The hostages were afterwards released."

Murders in the Bannu district rose from 26 in 1908 to 54. In these there was one quintuple, one quadruple and 3 double murders. Of the murders no less than 28 were caused by jealousy over or intrigues connected with women. Dacoities have steadily increased in Bannu, and numbered 18 in 1909. In these cases 12 Hindus were carried off. Ten of these men have since been released. In seven of the dacoity cases murder was committed. The District Magistrate thinks that the Hindus who set the bad example of releasing their kidnapped relations on payment of enormous ransoms under protest from local officers are mostly responsible for the increase in these raids. The Sessions Judge, (Mr. Kealy), however, remarks : "The unfortunate people have no choice in the matter ! They get little assistance from the Muhammadan villagers, many of whom no doubt share in the ransom, and so far Government has been able to do little to help them." The Judicial Commissioner agrees with the Sessions Judge. In consequence of the insecurity of life and property many Hindus removed with their valuables for refuge to the towns of Bannu and Lakki. In some of the dacoities that occurred in the year the perpetrators, trans-frontier raiders, principally Mahsuds, were in large numbers. In one case the gang was reported to be composed of 300 men.

In Dera Ismail Khan there has been an increase in dacoities with murder (six cases), serious burglaries (149) and in other offences against property. The increase in thefts and burglaries is ascribed by the District Magistrate to the high prices of food grains and to laxity on the part of Magistrates in employing the provisions of Section 110, Criminal Procedure Code. The dacoity murder cases are attributed to trans-frontier offenders.

The following observations of Mr. E. H. Kealy, Sessions Judge, in the Derajat, throw some light on the low percentage of convictions in serious cases in that division :—

"The administration of criminal justice on the Frontier is made doubly difficult by the inveterate habit of charging as many innocent relatives of the real offenders as possible and the extraordinary extent to which witnesses mix up the false and the true in their statements, even in the simplest and strongest cases. I think that more satisfactory results in the more heinous cases might perhaps be attained if the Police were more prompt in their enquiries of witnesses and in reducing to writing their statements before plots have had time to mature, and also if Magistrates could visit the spot at once and try the case locally, or at least take it up directly it is challaned. The former, no doubt, is to a great extent an unattainable ideal owing to the paucity of Magistrates."

The habit which Mr. Kealy notices has been evident in cases from that division which have come before the Judicial Commissioner on appeal.

LOCAL AND SPECIAL LAWS.

6. The number of offences reported under Local and Special Laws was 9,685 as against 10,130 in 1908 and 8,916 in 1997. Of these 7,493 were returned as true as compared with 8,054 in 1908. The decrease has occurred mostly in security cases. Offences under the Hackney and Stage Carriages Acts in the Peshawar District rose from 362 in 1908 to 574 in 1909, and the increase

is due to closer attention to cases of overloading and overworking in the tum-tums plying on the roads. There has been an increase also in Peshawar in cases under the Canals Act and the Contract Workmen's Act

Miscellaneous proceedings under the Criminal Procedure Code—Judicial Statement No. 3—and Security Cases under the Frontier Crimes Regulation—Judicial Statement No. 2-A.

7. The table given below shows for each district the number of persons proceeded against for security to keep the peace and for good behaviour, and also the number of persons dealt with under the security sections of the Frontier Crimes Regulation during the past two years :—

PROCEEDINGS.	Year.	TOTAL PERSONS.									
		PESHAWAR.		HAZARA.		KOHAT.		BANNU.		D. I. Khan.	
		Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of.	Convicted.	Disposed of.	Convicted.
Breach of peace, Chapter VIII, Criminal Procedure Code.	1908	3,068	1,342	346	168	1,110	550	696	630	401	302
	1909	1,115	725	371	224	646	441	450	429	301	105
To prevent murder, Section 40, Frontier Crimes Regulation.	1908	18	18	1	1	19	14	9	9	19	12
	1909	45	45	...	...	18	18	20	20	4	3
Families with blood-feuds, Section 41, Frontier Crimes Regulation.	1908	1,478	1,189	48	43	1,624	1,036	431	414	69	49
	1909	1,374	1,182	68	60	1,426	908	467	464	11	11
Further security, Section 46, Frontier Crimes Regulation.	1908	350	290	...	...	300	204	...	...	...	...
	1909	336	291	...	...	308	210	...	...	...	...
TOTAL ...	1908	4,914	2,839	395	212	3,053	1,804	1,136	1,053	489	363
	1909	2,870	2,243	439	284	2,398	1,577	937	913	316	119
Security for good behaviour, Section 110, Criminal Procedure Code.	1908	317	270	73	57	77	51	86	54	29	20
	1909	245	184	48	44	56	36	76	47	23	20

In the Peshawar District there has been a marked decrease in cases under Section 107 of the Criminal Procedure Code. The decrease in Section 107 cases in Kohat is satisfactory but the District Magistrate is still inclined to believe that this section is abused. In Bannu out of 450 persons proceeded against 429 were bound over in security. This result is satisfactory. However, out of 632 cases reported under this section, 456 were thrown out summarily and only 176 were returned as true. The District Magistrate is of opinion that in view of this extraordinarily high proportion of frivolous applications it is imperatively necessary that the provisions of Section 250, Criminal Procedure Code, should be made applicable to such applications. The question will be considered by the Judicial Commissioner later at Bannu. In Dera Ismail Khan out of 301 persons proceeded against security was taken from 105 only.

8. The number of persons required to give security under Section 110, Criminal Procedure Code, fell from 452 in 1908 to 331. All the districts except Dera Ismail Khan, where the number has remained stationary, have contributed to this decrease.

General result of criminal trials.—Judicial Statement No. 4.

9. Out of 30,711 persons under trial the cases of 29,846 persons were disposed of. Of these 13,644 (or 46 per cent. against 47 per cent. in 1908) were convicted, while 15,763 (or 53 per cent. as compared with 52 in 1908) were discharged or acquitted. As usual Hazara (63 per cent.) and Dera Ismail Khan (76 per cent.) have the highest proportions of discharges and acquittals.

Additional District Magistrates disposed of 143 cases, as compared with 132 in 1908, in the exercise of their enhanced powers under Section 30, Criminal Procedure Code. District Magistrates disposed of 38 cases under their ordinary powers and 27 under their enhanced powers as compared with 46 and 20 in 1908, respectively. The provisions of Section 562, Criminal Procedure Code, were applied to 25 persons, as compared with 41 in 1908.

Honorary Magistrates.

10. Honorary Magistrates sitting singly disposed of 858 cases and sitting in Benches 1,131 or 1,989 in all against 1,803 in 1908. Nawab Arbab Muhammad Hussain Khan of Landi disposed of 14 cases under his enhanced powers and 233 under his ordinary powers. Of the total number of persons brought to trial in his Court 84 per cent. were convicted. Khan Bahadur Khwaja Muhammad Khan, Hoti, and Khan Bahadur Arbab Muhammad Azam Khan in the Peshawar District and Fakir Abul Hassan in Bannu disposed of 147, 114 and 108 cases, respectively. The Bench of Honorary Magistrates at Peshawar disposed of 921 cases.

The desirability of the establishment of numerous benches of Honorary Magistrates in the rural areas has lately been suggested by the Hon'ble the Officiating Chief Commissioner. The question is understood to be still under consideration. The opinion expressed by the Judicial Commissioner on the point is to the effect that some such development may experimentally be tried in given areas provided that the right stamp of men can be found The facts recorded in this and previous reports indicate that the first necessities of the Province in regard to the administration of criminal justice are the adequate protection of the border, and the raising by education or otherwise of the moral standards among the people, which are now in many quarters regrettably low.

11. Two European British subjects were brought to trial during the year in the Court of the Additional District Magistrate, Peshawar. One was tried under Section 304-A of the Indian Penal Code and was sentenced to 3 months' simple imprisonment. The other was charged under Section 253, Indian Penal Code, but was discharged.

Punishments.—Judicial Statement No 5.

12. The number of persons capitally punished was 26, as compared with 10 in 1908. The Sessions Judges sentenced 40 persons (as compared with 27 in 1908) to transportation for life. Two persons were sentenced, in addition to death, to forfeit their property to the Crown. This was in connection with the murder of Lieut. Macaulay, R. E.

The number of persons sentenced to rigorous imprisonment was 2,623 against 2,588. Of these 1,238 were awarded solitary confinement as part of their substantive sentence. The proportion of persons sentenced to rigorous imprisonment to whom solitary confinement was awarded was 47 per cent. as against 45 in 1908. In Peshawar there has been an increase in the proportion which rose from 34 to 40 per cent. The District Magistrate remarks that the attention of the Magistrates requires to be frequently drawn to the advantages of adding solitary confinement to rigorous imprisonment and thereby rendering punishments more salutary and deterrent.

In Kohat the proportion of solitary confinement to sentences of rigorous imprisonment rose from 43 to 58 per cent and the District Magistrate observes :—

"It is regrettable that the Magistrates so persistently neglect to add to sentences of imprisonment the element of severity, afforded by solitary confinement. As a rule in this part of the country a period of jail life carries no social stigma. The convict's life in jail when among his fellows is not especially irksome ; and a useful deterrent is lost if solitary confinement, which is undoubtedly distasteful, is omittted from the large proportion of sentences."

In Dera Ismail Khan the proportion fell from 73 to 49 per cent. The District Magistrate regards this as unsatisfactory and considers that to make the punishment as deterrent as possible it is necessary that solitary confinement should be made a part of the sentence in almost every case of rigorous imprisonment.

On the other hand the Additional Sessions Judge of Peshawar (Mr. Bolton) remarks on this subject :—

"I do not think that solitary confinement should be awarded as a matter of course whenever a person is sentenced to rigorous imprisonment. The sentence of solitary confinement is a very severe one particularly in the summer. What is required is uniformity of practice, the punishment of solitary confinement being reserved for prisoners who have shown some strong criminal tendency, or who have committed offences which in England would be felonies as distinct from misdemeanours."

The Judicial Commissioner, as at present advised, agrees rather with the view expressed by Mr. Bolton. Rigorous imprisonment should in itself be a salutary and deterrent punishment. The special and exceedingly severe punishment of solitary confinement should be reserved for cases where the heinousness of the crime or the past history of the offender discloses a reason for special treatment. If rigorous imprisonment is not in itself a severe and deterrent punishment then the remedy would seem to lie rather in a reform of the Jail Administration. In such cases as have come before him the Judicial Commissioner has not observed that the substantive sentence of imprisonment has been reduced in term because the punishment of solitary confinement is added.

Fines.

13. The total fines imposed during the year amounted to Rs. 1,12,211 as against Rs. 94,170 in the previous year. A sum of Rs. 79,464 (or 71 per cent. as against 76 per cent. in 1908) was realized. Out of this Rs. 14,318 were paid as compensation by order of the Courts.

Whipping.

14. Sentences of whipping totalled 107 under the Whipping Act and 11 under the Frontier Crimes Regulation. Nine juveniles were whipped in lieu of other punishments, against 11 in 1908. The number of these sentences in 1908 was 179 and 15. In 1903 the number was 284 and 70. There has been a substantial reduction since the passing of Act IV of 1909.

APPEALS AND REVISIONS.

Appeals and Revisions.—Judicial Statement No. 6.

15. Out of 795 persons who appealed to the District Magistrates, 267 persons (or 34 per cent.) had their sentences reduced or reversed. Sessions Judges interfered in the sentences of 286 of the total number of 784 persons who appealed to them.

The sentences of 58 persons were enhanced by the District Magistrates and Sessions Judges, as compared with 21 in 1908. This large increase is due to the fact that in one serious riot case in Kohat in which 24 persons were involved the Sessions Judge, Derajat, found it necessary to enhance the sentences of all the accused.

The average duration of appeals was 13 days in the Courts of District Magistrates and 11 days in Courts of Sessions.

FRONTIER CRIMES REGULATION.

Frontier Crimes Regulation.—Provincial Appendix B.

16. A table is attached as Provincial Appendix B, which shows that the number of references to Councils of Elders under Section 11 of the Frontier Crimes Regulation rose from 182 to 220. The percentage of convictions fell from 47 to 40. The most noticeable increase in such references occurred in the Kohat and Bannu districts.

The remarks of the District Magistrate of Peshawar as regards the system of "Shahi" Jirgahs noticed in paragraph 22 of last year's report are reproduced below :—

"The system of trial by Jirga inaugurated at the close of last year has continued in this district. The procedure was described in last year's report, and it is satisfactory to note that in spite of some disadvantages inherent in the system the main object, namely the discouragement of dishonesty, has for the time being been achieved. The general attention which has been drawn to the working of the Jirgas and the publicity attending

their deliberations have effected an improvement in the moral tone of the members, and it is possible to contemplate a return to the old system when there is a prospect of this improvement becoming permanent. Special cases are still dealt with under the old system. It may be observed, as regards the absence of local enquiry, that all witnesses are summoned and appear before the Jirga, that the parties and their friends can bring any other witnesses, that the local 'Maliks' also appear, and that amongst the leading men present there must always be some residents of the part of the district in which the offence has been committed with a personal knowledge of the facts."

Mr. Pipon, District Magistrate, Hazara, observes on the question of the more extended use of the Frontier Crimes Regulation :—

"I would venture to reiterate my opinion given last year as to the greater suitability of the Jirga trial to personal injuries and more trivial crime than to heinous offences. Two Magistrates in this district, besides the Deputy Commissioner, have now been empowered to make references under Section 11, Frontier Crimes Regulation, in the case of certain selected offences. The ordinary betrothal or marriage dispute is dressed up by the petition-writer (who acts as the poor man's solicitor) as a criminal complaint under Sections 497, 498, 366, and a number of other sections of the Indian Penal Code. The complainant will not at a later stage willingly forego his criminal action by substituting a petition under Section 8, Frontier Crimes Regulation. But a reference under Section 11, Frontier Crimes Regulation, allows the Jirga to substitute a composition or award of damages for a verdict of guilty, and their finding, under Section 8, Frontier Crimes Regulation, (a provision far too little used) can be dealt with as a civil one under Section 8. During the ensuing year the experiment will be tried of utilising the Jirga more extensively in the above manner especially in connection with "Shahi" Jirga meetings.

As regards the working of the Jirga system in Kohat, where the references to Jirgas rose from 37 in 1908 to 71, Mr. Barton remarks :—

"The difficulty of obtaining men suited by their integrity and intelligence to perform the work of these informal juries has been increasingly felt in the past year. The work is unpopular and distasteful to the best men while persons of a lower stamp of character are too apt to regard employment in Jirgas as a valuable asset to their income. I have noticed of late a tendency to shirk responsibility and to exact too high standards of proof; and in some cases a verdict of guilty is deliberately nullified by a system of reasoning which points rather to the innocence than to the guilt of the accused. Still with careful working the system forms a valuable adjunct to the ordinary law."

On the working of the Frontier Crimes Regulation, the District Magistrate of Bannu, where the number of references to Councils of Elders rose from 11 to 30, says :—

"It must be admitted that the inability to secure a judicial conviction of an accused person for want of proof is a flaw in the administration of the Police and consequently the increase in the number of criminal references to Jirgas cannot be looked upon with satisfaction."

As to the operation of the Frontier Crimes Regulation the Judicial Commissioner notes that the institution of the quarterly "Shahi" Jirgas has been attended with some success.

The Baluchistan "Shahi" Jirga is an assembly, half yearly, at the headquarters of the Government, of the leading Chiefs and Tumandars for the adjudication of cases affecting more than one tribe, of cases of special importance and of cases where a further reference to a council has been found necessary by the District Officer. The "Shahi" Jirga is presided over by a specially appointed and experienced Extra Assistant Commissioner or other officer of like standing who regulates the proceedings and submits a report to the Agent to the Governor-General, who is able at the Durbar which follows to comment on the work done in the presence of the Chiefs and Maliks who have done it. In this way the "Shahi" Jirga constitutes a responsible and authoritative tribunal of an efficient kind and its influence is felt throughout the Province. That is the Baluchistan system, and it might probably be further extended on these lines, *mutatis mutandis,* with much advantage on this border.

The following suggestions for the amendment of the Frontier Crimes Regulation have been made by Mr. Barton, Deputy Commissioner of Kohat.

"I take the opportunity of suggesting for the consideration of Government the advisability of amending Section 8, Frontier Crimes Regulation, so as to confer on the Deputy Commissioner the power of withdrawing for settlement by Jirga cases from the Civil Courts in which if decided by the ordinary procedure trouble is likely to result. Two or three cases have come to my notice during the year under report which in the interest of peace should have been dealt with by Jirga."

"One of these may be cited as an example. The villagers of Kachai sold under registered deed to a contractor of the Campbellpore District for a small sum (Rs. 2,000) the timber standing in a large tract of jungle. The operations resulted in enormous profit to the contractor, but later on, on same trivial pretext he instituted a suit against the whole village for Rs. 2,000 damages. Certainly a much exaggerated if not false claim. This could have been decided much more expeditiously and fairly by a Jirga."

"I believe it would be a real advantage to expand the scope of Section 40, Frontier Crimes Regulation, to admit of Deputy Commissioner's binding over persons of notoriously bad livelihood, *e.g.*, persons who promote gambling for their private advantage, cattle thieves and so on. This would offer a simpler method than that at present afforded by Section 110, Criminal Procedure Code."

The first of these suggestions is not one which, as at present advised, the Judicial Commissioner would be disposed to support, at any rate until after full consultation with other experienced officers in the Province, judicial and political. As to the inclusion of persons of bad livelihood and of gamblers within the scope of Section 40 the ordinary provisions of law would appear to be adequate; but if the evil noticed be sufficiently serious and wide-spread the suggestion can be considered in the same way. The character of the Jirgas, as described in this report, is one obstacle to the extension of their authority.

SESSIONS COURTS.

17. The table given below shows the criminal business disposed of in the two Sessions Courts of the Province :—

Work of Sessions Courts.

Sessions Courts.	Sessions Cases.		Criminal Appeals, (Cases).		Criminal Revisions, (Persons).	
	1908.	1909.	1908.	1909.	1908.	1909.
Peshawar	38	64	405	385	85	96
Derajat	34	46	167	180	25	35

The increase in the number of sessions cases disposed of in Peshawar is due to the conditions of the district in regard to serious crimes which have been already noticed. In the Derajat the increase in murders and other serious offences in the Bannu and Kohat Districts increased the work of the Sessions Judge.

The average duration of sessions cases was 48 days in Peshawar and 68 in Derajat, while that of appeals was 11 days in both Courts.

The work of the Peshawar Sessions Court continues to be much heavier than that of the Derajat. An Additional Sessions Judge, Mr. Bolton, was appointed at the close of the year. By the death on February 10th, 1910, of Colonel E. Inglis, who had returned from furlough and resumed the office of Sessions Judge, Peshawar, on December 2nd, 1909, the Province has lost the services of an experienced and greatly respected officer.

JUDICIAL COMMISSIONER'S COURT.

18. The following table shows the criminal business disposed of in the Court of the Judicial Commissioner.—

Year.	Murder References.		Criminal Appeals.		Criminal Revisions.	
	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
1908 ...	20	20	118	152	98	126
1909 ...	40	40	134	191	122	172

Capital sentences were confirmed in the case of 26 persons. In the case of 7 persons under capital sentence, the sentences were commuted, while 6 were acquitted.

In addition to the above 3 murder references and 4 appeals received from trans-border Political Agencies were disposed of during the year.

The Judicial Commissioner visited the Kohat and Hazara Districts and inspected the Courts of three Extra Assistant Commissioners during the year.

GENERAL.

19. Sessions Judges and District Magistrates called for and inspected the files of 76 and 571 cases, respectively.

20. The reports submitted by the District Magistrates of Peshawar and Kohat, Major Blakeway and Mr. Barton, are especially interesting.

21. The office of Judicial Commissioner was held throughout the year by Mr. C. E. F. Bunbury, whose tenure of the appointment since the Province was created has been recently distinguished by the decoration of the C. S. I. The officiating Judicial Commissioner is under the disadvantage of dealing with reports of work that was not under his supervision and demands a good deal of local experience.

A. L. P. TUCKER,
Judicial Commissioner, N.-W. F. Province.

JUDICIAL STATEMENT No. 1.—(Civil and Criminal.)

STATEMENT SHOWING THE NUMBER OF JUDICIAL DIVISIONS AND THE NUMBER OF OFFICERS EXERCISING APPELLATE OR ORIGINAL JURISDICTION IN THE NORTH-WEST FRONTIER PROVINCE ON THE LAST DAY OF THE YEAR 1909, WITH THE COST OF TRIBUNALS.

(Imperial.) JUDICIAL STATEMENT

Statement showing the number of Judicial Divisions and the number of Officers exercising the year 1909, with

Name of Province.		Area in square miles.	Population.	Number of Divisions for Courts under Chief Court, but superior to Chief Court of districts.	Number of districts.	Number of sub-districts.
1		2	3	4	5	6
N.-W. FRONTIER PROVINCE.						
Territory subject to the High Court	Civil	13,197	2,050,724	2	5	16
	Criminal ...			2	5	16
	Revenue ...			...	...	...
Territory not subject to the High Court ...	Civil	...	...	...	...	...
	Criminal ...	...	...	...	...	...
	Revenue ...	...	...	...	...	...

NO. 1.—(*Civil and Criminal.*)

Appellate or Original Jurisdiction in the North-West Frontier Province on the last day of the cost of Tribunals.

TOTAL NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION.					TOTAL NUMBER OF CASES DECIDED.				Total receipts of the Courts.	Total charges of the Courts.	REMARKS.		
					Original.		*Appeals.*						
Judges of Chief Court of Province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of Districts.	Judges of District Courts other than Chief Courts.	Judges of other Subordinate Courts.	Regular.	Miscellaneous.	Regular.	Miscellaneous.					
7	8	9	10	11	12	13	14	15	16	17	18		
1	2	4	29	37	27,589	5,197	1,484	116	Rs. 3,98,988	Rs. 5,81,342	Grades of Judicial Officers.	Europeans.	Natives.
1	2	5	30	77	13,764	7,772	1,146	72					
...	...	...	...	...	...	...	...	...			Officers exercising both Original and Appellate Jurisdiction. — High Court Judges.	1	...
...	...	...	...	...	...	...	...	...			Officers exercising both Original and Appellate Jurisdiction. — Divisional Judges.	2	...
...	...	...	...	...	...	...	...	...			Officers exercising both Original and Appellate Jurisdiction. — District Judges.	2	2
...	...	...	...	...	...	...	...	...			Officers exercising both Original and Appellate Jurisdiction. — Additional Judges.	...	...
...	...	...	...	...	...	...	...	...			Officers exercising both Original and Appellate Jurisdiction. — Subordinate Judges.	...	...
											Officers exercising Original Jurisdiction only. — Small Cause Court Judges.	3	...
											Officers exercising Original Jurisdiction only. — Munsifs ...	...	7

JUDICIAL STATEMENT

(Imperial).

Statement of offences reported and of persons tried, convicted and acquitted

	Description of offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.
	1	2	3	4
	Offences against the State, Chapter VI of the Indian Penal Code	1	...	...
	Do. relating to the Army and Navy, Chapter VII	...	...	...
	Do. against the public tranquillity, „ VIII	223	157	149
	Do. by or relating to public servants „ IX	18	7	5
	Contempts of the lawful authority of public servants, Chapter X	135	121	120
	False evidence and offences against public justice „ XI	102	86	90
	Offences relating to coin and Government stamps „ XII	7	5	7
	Do. do. to weights and measures „ XIII	5	5	5
	Do. affecting the public health, safety, convenience, decency and morals, Chapter XIV ...	29	18	19
	Do. relating to religion, Chapter XV	61	29	22
Offences affecting the human body, Chapter XVI.	Offences affecting life	436	388	256
	Causing of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births	14	10	4
	Hurt	3,416	2,294	2,238
	Wrongful restraint and wrongful confinement	149	71	64
	Criminal force and assault	735	467	434
	Kidnapping, forcible abduction, slavery and forced labour	145	73	61
	Rape	27	12	8
	Unnatural offence	23	16	18
Offences against property, Chapter XVII.	Theft	1,409	917	578
	Extortion	33	14	14
	Robbery and dacoity	165	118	53
	Criminal misappropriation of property	65	38	37
	Criminal breach of trust	323	172	166
	Receiving of stolen property	249	209	203
	Cheating	174	111	100
	Fraudulent deeds and disposition of property	11	7	7
	Mischief	968	551	488
	Criminal trespass	2,091	1,460	910
	Offences relating to documents and to trade or property marks, Chapter XVIII ...	32	17	16
	Criminal breach of contracts of service ... ... „ XIX ...	2	2	2
	Offences relating to marriage ... ... „ XX ...	680	367	357
	Defamation ... ... „ XXI ...	40	25	26
	Criminal intimidation, insult and annoyance ... ... „ XXII ...	386	264	250
	TOTAL ...	12,154	8,031	6,707
	Offences under Special and Local Laws	9,685	7,493	7,366
	GRAND TOTAL ...	21,839	15,524	14,073

No. 2—(*Criminal.*)

of each class of offence in the North-West Frontier Province in the year 1909.

Number of Persons					Remarks.	
Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another Province.	Remaining under trial.		
5	6	7	8	9	10	
...	...	...	...	...		
...	...	...	...	...		
1,139	333	647	1	158		
6	3	3	...	...		
228	120	99	...	9		
155	82	66	1	6		
9	5	4	...	...		
7	5	2	...	...		
49	21	26	...	2		
49	46	3	...	...	Rs. 48 0 0	paid as compensation under Section 250, Cr. P. C.
966	415	386	5	160	„ 100 0 0	Do.
6	5	1	...	...		
4,530	3,608	808	1	113	„ 509 0 0	Do.
195	166	29	...	...	„ 56 0 0	Do.
1,078	891	169	...	18	„ 287 12 0	Do.
154	63	81	...	10	„ 10 0 0	Do.
9	3	6	...	...		
28	8	14	...	6	„ 10 0 0	Do.
1,140	605	475	...	60	„ 430 10 0	Do.
29	18	10	...	1	„ 100 0 0	Do.
138	64	54	1	19		
64	39	17	...	8	„ 5 0 0	Do.
216	156	54	...	6	„ 77 0 0	Do.
306	123	171	...	12	„ 60 0 0	Do.
168	118	40	...	10	„ 181 0 0	Do.
10	4	6	...	...	„ 5 0 0	Do.
1,338	1,186	94	...	58	„ 301 0 0	Do.
2,753	2,322	354	1	76	„ 348 0 0	Do.
27	19	7	1	...	„ 10 0 0	Do.
13	7	6	...	...		
751	637	83	2	29	„ 239 0 0	Do.
34	28	6	...	...	„ 28 8 0	Do.
459	438	21	...	...		
16,054	11,538	3,742	13	761	„ 2,805 14 0	Do.
14,235	4,225	9,902	4	104	„ 88 0 0	Do.
30,289	15,763	13,644	*17	865	„ 2,893 14 0 paid by 197 persons.	* Died.

(Imperial.) JUDICIAL STATEMENT

Statement of offences reported and of persons tried, convicted and acquitted

Description of Offence.		Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.
1		2	3	4
Offences under Local and Special Laws		...	...	...
Proceedings under the Code of Criminal Proceedure		3,258	1,401	1,359
Breach of Laws relating to—				
Arms, Ammunition and Military stores	Act XI of 1878 ...	239	214	208
Canals	„ VIII of 1873 ...	394	291	291
Cantonments, Military	„ III of 1880 ...	804	804	804
Cattle trespass	„ I of 1871 ...	203	111	92
City Chaukidars	„ XX of 1856 ...	...	...	...
Code of Civil Procedure	„ V of 1908 ...	...	...	...
Companies Act	„ VI of 1882 ...	...	...	...
Contract Workmen	„ XIII of 1859 ...	322	285	285
Contract by workmen on Railways and other Public Works	„ IX of 1860 ...	...	...	...
Criminal Tribes and Eunuchs	„ XXVII of 1871 ...	...	...	...
Cruelty to animals	„ XI of 1890 ...	21	21	21
Emigration	„ VII of 1871 ...	...	...	...
Excise on Spirits and Drugs	„ XII of 1896 ...	37	36	38
Factories	„ XV of 1881 ...	...	...	...
Farcy and Glanders	„ XIII of 1899 ...	...	...	...
Ferries	„ XVII of 1878 ...	2	2	2
Foreigners	„ III of 1864 ...	...	...	...
Forest	„ VII of 1878 and „ II of 1879 ...	288	275	229
Gambling	„ III of 1867 ...	49	47	41
Hackney and Stage Carriages	„ XVI of 1861 & „ XIV of 1879 ...	683	683	683
License Act	„ II of 1878 ...	...	...	...
Marriages, Christian	„ XV of 1872 ...	...	...	...
Municipalities	„ IV of 1873 & „ XX of 1891 ...	380	376	372
Murderous outrages	„ XXIII of 1867 & „ IX of 1872 ...	...	...	...
Mutiny Act	„ VII of 1867 ...	...	...	...
North-West Border Military Police Act	„ IV of 1904 ...	5	5	5
Opium	„ I of 1878 ...	21	20	18
Pleaders	„ XVIII of 1879 ...	...	...	...
Police	„ V of 1861 ...	488	488	488
Post Office	„ VI of 1898 ...	2	2	2
Printing Presses	„ XXV of 1867 ...	...	...	...
Prisons	„ XXVI of 1870 ...	3	3	3
Prostitutes	„ III of 1880 ...	...	...	...
Punjab Laws Act	„ IV of 1872 ...	367	363	363
Punjab Military Transport Animals Act	Punjab Act I of 1903 ...	1	1	1
Punjab Minor Canals	„ III of 1905 ...	10	9	9
Railways	Act IV of 1879 „ IX of 1890 ...	24	21	25
Registration	„ III of 1877 ...	...	...	...
Salt and Saltpetre	„ XII of 1882 ...	5	5	5
Stamps	„ II of 1899 ...	...	...	...
Telegraph	„ I of 1876 & „ XIII of 1885 ...	6	4	...
Treasure Trove	„ VI of 1878 ...	...	...	...
Vagrancy, European	„ IX of 1874 ...	...	...	...
Wandering and dangerous lunatics	„ XXXVI of 1858 ...	1	1	1
	Total ...	7,613	5,468	5,345
Frontier Crimes Regulations.				
Regulations III of 1901, Section 22	...	24	24	20
Do. „ „ „ 29	...	13	13	14
Do. „ „ „ 30	...	59	38	37
Do. „ „ „ 33	...	2	2	2
Do. „ „ „ 35	...	96	95	95
Do. „ „ „ 36	...	103	92	92
Do. „ „ „ 37	...	17	17	17
Do. „ „ „ 40	...	56	55	55
Do. „ „ „ 41	...	1,424	1,411	1,411
Do. „ „ „ 43	...	1	1	1
Do. „ „ „ 46	...	277	277	277
	Total ...	2,072	2,025	2,021
	Grand Total ...	9,685	7,493	7,366

No. 2-A—(*Criminal.*)

of each class of offence in the North-West Frontier Province in the year 1909.

Number of Persons.					Remarks.
Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another Province.	Remaining under trial.	
5	6	7	8	9	10
...	...	...	...	...	
3,356	1,075	2,255	1	25	
266	56	204	...	6	Rs. 50 paid as compensation.
715	432	280	...	3	Rs. 5 „ „
1,180	263	916	...	1	
278	223	49	...	6	Rs. 10 „ „
...	...	...	...	...	
...	...	...	...	...	
...	...	...	...	...	
373	309	64	...	...	Rs. 20 „ „
...	...	...	...	...	
...	...	...	...	...	
22	2	20	...	...	
...	...	...	...	...	
43	9	32	...	2	
...	...	...	...	...	
...	...	...	...	...	
9	6	...	...	3	
...	...	...	...	...	
635	237	367	...	31	Rs. 3 „
243	56	164	...	23	
745	141	604	...	...	
...	...	...	...	...	
...	...	...	...	...	
429	106	322	1	...	
...	...	...	...	...	
...	...	...	...	...	
9	1	8	...	...	
24	4	16	...	4	
...	...	...	...	...	
516	87	429	...	...	
2	1	1	...	...	
...	...	...	...	...	
4	2	2	...	...	
...	...	...	...	...	
671	288	383	...	...	
2	2	...	...	...	
28	5	23	...	...	
40	5	35	...	...	
...	...	...	...	...	
14	1	13	...	...	
...	...	...	...	...	
...	...	...	...	...	
...	...	...	...	...	
...	...	...	...	...	
3	3	...	...	...	
9,607	3,314	6,187	2	104	
36	...	36	...	...	
20	2	18	...	...	
40	23	15	2	...	
2	...	2	...	...	
280	2	278	...	...	
155	18	137	...	...	
17	1	16	...	...	
87	1	86	...	...	
3,346	721	2,625	...	...	
1	...	1	...	...	
644	143	501	...	...	
4,628	911	3,715	2	...	
14,235	4,225	9,902	4	104	Rs. 88 „ „

(Imperial). JUDICIAL STATEMENT No. 3—(*Criminal.*)

Statement of Miscellaneous Proceedings under the Criminal Procedure Code in the North-West Frontier Province during the year 1909.

Nature of Proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1. Proceedings against witnesses under Chapter VIC and Section 485.	...	...	...	...	
2. Proceedings under Chapter VIII, to prevent breach of the peace, and Sections 40, 41 and 46, Frontier Crimes Regulation.	2,678	6,967	1,824	5,139	
3. Proceedings under Chapter VIII, security for good behaviour.	425	469	116	322	
4. Proceedings against local nuisances, Chapter X.	9	19	13	6	
5. Possession, Chapter XII ...	151	367	227	136	
6. Frivolous or vexatious accusations summarily dealt with under Chapter XX, Section 250.	193	197	...	197	
7. Non-attendance of Jurors or Assessors, Chapter XXIII, Section 332.	...	...	...	...	
8. Maintenance, Chapter XXXVI	228	228	161	67	
9. Forfeiture of bail or recognizance under Chapter XLII.	102	169	55	107	
10. Proceedings under Chapter XLVI, Section 563, against convicted offenders released under Section 562.	24	25	5	20	
Total ...	3,810	8,441	2,401	5,994	

JUDICIAL STATEMENT No. 4.—(CRIMINAL.)

STATEMENT SHOWING THE GENERAL RESULT OF CRIMINAL TRIALS IN THE TRIBUNALS OF VARIOUS CLASSES IN THE NORTH-WEST FRONTIER PROVINCE IN THE YEAR 1909.

(Imperial). JUDICIAL STATEMENT

Statement showing the general result of criminal trials in the tribunals of

CLASS OF COURTS.	Total number of persons under trial.	PERSONS WHOSE CASES					
		Died, escaped or transferred to another Province.	Discharged or acquitted.	CONVIC			
				ON REGULAR TRIAL.			
				Sentence passed.	Released on probation, Section 562, Criminal Procedure Code.	*Youthful offenders dealt with under Section 31, Act VIII of 1897.*	
						Discharged after admonition.	Delivered to or parent guardian, &c.
1	2	3	4	5	6	7	8
Village officers	...	...	...	...	...	...	...
Subordinate Magistrates. — Special Magistrates under Section 14.	...	...	...	...	...	...	...
Subordinate Magistrates. — Honorary Magistrates sitting singly	2,418	...	1,568	738	...	...	...
Subordinate Magistrates. — Stipendiary ditto ...	20,828	10	11,983	7,029	24	...	...
Subordinate Magistrates. — Benches of Magistrates ...	1,714	2	834	679	...	...	...
District and Divisional Magistrates—Cases referred under Sections 347 and 349, Cr. P. Code.	7	...	5	2	...	...	...
Chief Magistrates of Districts ...	5,404	2	1,321	3,939	1	...	...
Courts of Sessions	297	2	46	130	...	...	...
Superior Courts	43	1	6	33	...	...	...
TOTAL ...	30,711	17*	15,763	12,550	25	...	...

No. 4—*(Criminal).*

various classes in the North-West Frontier Province in the year 1909.

WERE DISPOSED OF.									
TED.									
ON SUMMARY TRIAL.									
Sentence passed.	Released on probation, Section 562, Criminal Procedure Code.	*Youthful offenders dealt with under Section 31, Act VIII of 1897.*		Committed or referred.	Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.	REMARKS.
		Discharged after admonition.	Delivered to parent or guardian, &c.						
9	10	11	12	13	14	15	16	17	18
...	...	...	...	...	...	...	...	...	
...	...	...	...	...	...	...	...	...	
...	...	...	...	14	98	858	13	2,625	
903	...	...	...	297	582	9,364	9	26,682	
163	...	...	...	...	36	1,131	6	1,200	
...	...	...	...	...	...	3	3	...	
3	...	...	...	11	127	2,247	5	1,565	
...	...	...	...	100	19	121	50	1,530	
...	...	...	...	...	3	40	17	...	
1,069	...	...	...	422	865	13,764	9	33,602	*Died.

(Imperial). JUDICIAL STATEMENT

Statement showing the punishments inflicted by the various Criminal

Class of Tribunals.	Persons sentenced to								Persons ordered to find or give security or recognizance to keep the peace, or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.
	Death.	Transportation.	Penal servitude.	*Imprisonment.* Rigorous.	*Imprisonment.* Simple.	Forfeiture of property.	Fine.	Whipping.		
1	2	3	4	5	6	7	8	9	10	11
Village Officers	...	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. Special Magistrates under Section 14 ...	...	...	...	8	25	...	217	...	...	...
Honorary Magistrates sitting singly...	...	...	...	155	3	...	263	2	412	...
Stipendiary Magistrates sitting singly	...	...	...	1,552	54	...	4,092	80	1,241	43
	...	...	...	620	11	...	423	31	1,267	6
Benches of Magistrates	...	...	...	43	...	...	805	...	...	...
District and Divisional Magistrates—Cases referred under Sections 347 and 349, Cr. P. C.	...	...	...	1	...	...	1	1	...	...
Chief Magistrates of Districts	...	...	...	165	4	...	312	4	2,540	...
Courts of Sessions	...	40	...	79	1	...	15	...	9	6
Superior Courts	26	7	...	...	...	2	...	...	...	...
TOTAL ...	26	47	...	2,623	98	2	6,128	118*	5,469	55

*Includes 11 under Frontier Crimes Regulation. 137 persons were ordered to remove under Section 36,

No. 5—(*Criminal*).

Tribunals in the North-West Frontier Province in the year 1909.

Detail of punishment.																
Fines.									*Imprisonment.*					*Whipped.*			Number of boys whose sentences were commuted to detention in a Reformatory School.
Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	15 days and under.	6 months and under.	2 years and under.	7 years and under.	Above 7 years.	10 stripes and under.	20 stripes and under.	30 stripes and under.	
12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
179	24	14	...	...	...	1,583	1,593	20	24	9	...	...	...	...	...	...	...
105	141	12	5	...	...	6,350	4,553	817	14	91	28	25	...	...	1	1	...
3,218	761	87	25	1	...	43,598	33,502	5,499	315	1,009	324	1	...	22	39	19	...
208	143	54	17	1	...	19,861	8,750	2,528	32	278	161	135	31	10	15	6	...
791	14	...	...	...	...	2,682	2,523	106	15	...	28	...	...	...	...	...	...
...	1	...	...	...	...	40	40	25	...	1	...	...	...	...	1	...	...
192	56	26	26	7	5	35,887	27,915	5,093	1	14	39	75	40	1	1	2	...
...	9	1	4	1	...	2,210	588	230	...	3	37	30	16	...	...	...	...
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
4,693	1,149	194	77	10	5	112,211	79,464	14,318	401	1,405	617	266	87	33	57	28	

Frontier Crimes Regulation. Fulfilment of contract was ordered in 52 cases under Act XIII of 1859.

(Imperial). JUDICIAL STATEMENT No. 5 A.—(*Criminal*).

STATEMENT SHOWING THE PARTICULARS OF WHIPPINGS INFLICTED BY THE CRIMINAL TRIBUNALS DURING THE YEAR 1909.

PART I.

Showing whippings inflicted under Sections 2 and 3, Act VI of 1864, Section 3 of Act IV of 1909, in lieu of other punishments.

OFFENCES FOR WHICH AWARDED.	NUMBER OF STRIPES AWARDED.			TOTAL.
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	
In lieu of other punishments.				
(Sections 2 and 3, Act VI of 1864.)				
1. Theft as defined in ... Section 378, I. P. C.	10	7	3	20
" 380, "	...	10	3	13
" 381, "	1	...	3	4
" 382, "	...	...	...	...
2. Extortion as defined in ... " 388, "	...	...	...	...
" 389, "	...	...	...	...
3. Dishonestly receiving stolen property as defined in ... " 411, "	3	1	...	4
" 412, "	...	...	...	...
4. Lurking house-trespass as defined in ... " 443, "	...	1	...	1
5. Lurking house-trespass by night as defined in ... " 444, "	...	...	...	...
6. House-breaking as defined in " 445, "	...	...	...	...
7. House-breaking by night as defined in ... " 446, "	...	...	...	...
8. Railway Act	5	...	...	5
9. Kidnapping as defined in ... Section 361, I. P. C.	...	...	1	1
10. Mischief " ... " 435, "	...	...	1	1
10. House breaking " ... " 457, "	2	7	2	11
11. Hurt " " ... " 325, "	...	...	1	1
12. " " " ... " 324, "	...	3	...	3
12. " " " ... " 326, "	...	1	...	1
On first conviction	21	30	14	65
On re-conviction	...	...	...	...
Total ...	21	30	14	65

PART II.

Showing whippings inflicted in addition to other punishments, Sections 3 and 4, Act VI of 1864, Section 4 of Act IV of 1900 and Section 6 of Frontier Crimes Regulation, III of 1901.

OFFENCES FOR WHICH AWARDED.	NUMBER OF STRIPES.			TOTAL.
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	
In addition to other punishments.				
(Sections 3 and 4.)				
A.—SECTION 3.				
1. Theft as defined in ... Section 378, I.P.C.	4	5	4	13
" 380, "	...	3	3	6
" 381, "	...	...	...	...
" 382, "	...	...	...	...
2. Extortion as defined in ... " 388, "	...	...	...	...
" 389, "	...	...	...	...
3. Dishonestly receiving stolen property as defined in ... " 411, "	...	1	...	1
" 412, "	...	...	...	...
4. Hurt as defined in ... " 325, "	...	...	1	1
5. " " ... " 326, "	1	...	1	2
6. Rape " ... " 376, "	...	...	1	1
7. House-breaking by night as defined in Sec. 446, I.P.C.	1	...	...	1
8. " " " 457, "	...	3	3	6
B.—SECTION 4.				
1. False evidence as defined in ... Section 193, I.P.C.	...	...	...	...
" 194, "	...	...	...	...
" 195, "	...	...	...	...
2. False charge of unnatural offence as defined in ... Sections 211 and 377, "	...	...	...	...
3. Assault as defined in ... Section 354, "	...	...	...	...
4. Rape as defined in ... " 375, "	...	1	...	1
5. Unnatural offence as defined in ... " 377, "	...	...	1	1
6. Robbery as defined in ... " 390, "	...	...	...	...
7. Dacoity as defined in ... " 392, "	...	...	1	1
8. Attempt at robbery as defined in " 393, "	...	...	...	...
9. Hurt in committing robbery as defined in. " 394, "	...	...	...	...
10. Receiving stolen property as defined in. " 403, "	...	...	...	...
11. Forgery as defined in ... " 463, "	...	...	...	...
" 466, "	...	...	...	...
" 467, "	...	...	...	...
" 468, "	...	...	...	...
" 469, "	...	...	...	...
12. Lurking house-trespass as defined in " 454, "	...	2	1	3
13. Lurking house-trespass by night as defined in. " 457, "	...	3	...	3
14. House breaking as definad in ... " 451, "	...	1	...	1
15. Hurt as defined in ... " 324, "	...	3	...	3
Total ...	6	22	13	4

PART III.

Showing whippings inflicted under Section 5, Act VI of 1864, and Act IV of 1909, on Juveniles for offences other than those specified in Parts I and II.

Offence.	Stripes.			Total.
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	
Section 352	...	3	...	3
„ 379	1	...	...	1
„ 377	...	...	1	1
„ 279	1	2	...	3
„ 454	...	1	...	1
On 1st conviction	2	6	1	9
On re-conviction	...	...	...	...
Total	2	6	1	9

PART IV.

Showing the relative number of times whipping was awarded as compared with other punishments in cases in which whipping might have been awarded.

Punishments.	Number.	Remarks.
1. Total number of whippings awarded ...	118	
2. Total number of other punishments in cases in which whipping might have been awarded.	900	
3. Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2).	1,018	
4. Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3).	11·59	

JUDICIAL STATEMENT No. 6.—(CRIMINAL).

STATEMENT SHOWING THE RESULT OF APPEAL AND REVISION IN CRIMINAL CASES IN THE NORTH-WEST FRONTIER PROVINCE IN THE YEAR 1909.

(Imperial). JUDICIAL STATEMENT

Statement showing the result of Appeal and Revision in

TRIBUNALS.	NUMBER OF				
	Total number of appellants and applicants for revision before the Court.	Died, escaped, transferred to another Province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.
1	2	3	4	5	6
APPEAL.					
To Chief Magistrates of Districts	795	...	96	385	12
„ Courts of Sessions	784	...	233	205	46
„ Superior Courts — by persons convicted ...	214	1	12	96	4
„ Superior Courts — by Government from judgments of acquittal.	...	...	...	...	...
Total ...	1,793	1	341	686	62
REVISION.					
By Chief Magistrates of Districts	272	...	222	...	...
„ Courts of Sessions	137	...	99	...	...
„ Superior Courts	176	...	95	17	4
Total ...	585	...	416	17	4
GRAND TOTAL ...	2,378	1	757	703	66

No. 6—(*Criminal*).

Criminal Cases in the North-West Frontier Province in the year 1909.

PERSONS.							
Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.	Average number of days during which each appeal lasted.	REMARKS. (Showing number of persons dealt with under Section 106 (3) of the Code of Criminal Procedure or under Section 8, clause (2), of the Reformatory Schools Act.)
7	8	9	10	11	12	13	14
122	145	2	14	...	19	13	
173	113	...	2	...	12	11	
44	34	...	...	...	23	39	
...	...	...	...	...	...	...	
339	292	2	16	...	54	15	
...	...	...	30	8	12	13	
...	...	...	...	32	6	18	
24	24	...	8	...	4	28	
24	24	...	38	40	22	20	
363	316	2	54	40	76	18	

(Imperial.) JUDICIAL STATEMENT No. 13—(*Criminal*).

Statement showing the use of Juries and Assessors in the Criminal Courts in the North-West Frontier Province in the year 1909.

Class of Courts in which Jurors or Assessors are employed.	Established or average number of Jury or Assessors in each case and prescribed qualifications.	Number of accused persons in Jury Trials.				Number of accused persons in trails with Assessors.				Remarks.
		Tried.	*As to whom the Judge.*			Tried.	*As to whom the Judge.*			
			Approved verdict.	Did not approve of verdict.	Made reference under Section 307, Criminal Procedure Code.		Agreed with all the Assessors.	Differed from one or more, but not from all the Assessors.	Differed from all the Assessors.	
1	2	3	4	5	6	7	8	9	10	11
Magistrates' Courts under Chapter X, Criminal Procedure Code—Jurors.	...	...	...	...	...	...	...	...	...	
Courts of Session { Jurors	...	...	...	...	...	...	...	...	...	
Courts of Session { Assessors	3	...	...	...	...	203	146	19	28	Assessors were employed in Sessions trials.
High Court, Original (Criminal) Jurisdiction—Jurors	...	...	...	...	...	...	...	...	...	
TOTAL ...	3	...	...	...	...	203	146	19	28	

PROVINCIAL APPENDIX A.

Statement of serious offences under the Indian Penal Code admitted to have occurred during the year 1909, in each district of the North-West Frontier Province.

Offences.	Section of Indian Penal Code.	Offences admitted to have occurred.								Remarks.
		Peshawar.	Hazara.	Kohat.	Bannu.	Dera Ismail Khan.	Total 1909.	Total 1908.	Total 1907.	
Rioting	147 and 148	59	19	15	14	12	119	87	121	
Murder	302	111	21	48	54	13	247	206	180	
„ attempt ...	307	35	2	13	15	2	67	48	49	
Culpable homicide ...	304	30	10	8	3	3	54	52	35	
Hurt with aggravation ...	325 to 331 and 333	127	85	34	38	30	314	320	279	
Kidnapping	363 to 369	26	9	20	12	6	73	48	16	
Rape	376	1	5	1	2	3	12	14	12	
Unnatural offence ...	377	10	...	3	2	1	16	23	21	
Theft	379 to 382 and 401	311	254	88	135	119	907	844	676	
Robbery	392 to 394	10	1	15	5	8	39	35	26	
Dacoity with murder ...	396	1	1	5	7	6	20	24	10	
„ other cases ...	395 to 397, 400 and 402	19	...	18	11	11	59	73	41	
Receiving stolen property	411 to 414	90	31	33	28	27	209	191	174	
Mischief with aggravation	429 to 433 & 435 to 440	44	41	13	25	22	145	129	103	
Criminal trespass resulting in death or grievous hurt.	459 and 460	5	3	...	...	9	17	23	4	
Criminal trespass for commission of other serious offences.	449 to 452, 454, 455, 457 and 458	339	117	143	118	149	856	879	804	
Total 1909 ...	...	1,208	599	457	469	421	3,154	...	...	
Total 1908 ...	...	1,367	440	507	344	338	...	2,996	...	
Total 1907 ...	...	1,110	371	480	293	297	...	...	2,551	

PROVINCIAL APPENDIX B.

Statement showing Criminal References to Councils of Elders under Section 11 of the Frontier Crimes Regulation and persons disposed of after such references in each district during the years 1907, 1908 and 1909.

District.	References to Councils of Elders under Section 11 of the Frontier Crimes Regulation disposed of.			Number of Persons.						Percentage of conviction.		
				Tried.			*Convicted.*					
	1907.	1908.	1909.	1907.	1908.	1909.	1907.	1908.	1909.	1907.	1908.	1909.
Peshawar ...	84	101	79	292	378	207	107	157	75	37	42	36
Hazara ...	11	16	18	22	65	54	13	43	27	59	66	50
Kohat ...	31	37	71	49	84	201	29	37	79	59	44	39
Bannu ...	13	11	30	40	31	78	28	14	31	70	45	40
Dera Ismail Khan	14	17	22	33	62	52	16	42	22	48	68	42
Total ...	153	182	220	436	620	592	193	293	234	44	47	40

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